

By Mr. VARE: Petitions of Liberty Lodge, No. 12; First Bershadler Lodge, No. 79; Washington Lodge, No. 48; Dr. A. R. Bickstein Lodge, No. 28; Columbia Lodge, No. 19; Har Acarmel Lodge, No. 60; Star Beneficial Lodge, No. 112; Harry Sacks Lodge, No. 57; First Chatiner Lodge, No. 80; Sol Wederitz Lodge, No. 96; Louis Singer Lodge, No. 18; Ind. Preiaslower Lodge, No. 245; King Solomon Lodge, No. 101; Barne Spinoza Lodge, No. 143; Wachnewker Lodge, No. 85; Benjamin Franklin Lodge, No. 38; Kanever Lodge; Benjamin Franklin Lodge, No. 327; and Royal Lodge, No. 440, Independent Order B'rith Abraham, of Philadelphia, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Pennsylvania, favoring passage of House bill 22339 and Senate bill 6172, against workmen being timed with a stop watch while at work; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of the Patriotic Sons of America, favoring passage of the Dillingham bill (S. 3175), containing the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Resolution of Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills restricting immigration; to the Committee on Immigration and Naturalization.

## SENATE.

WEDNESDAY, May 15, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate the following communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

John W. Alves v. United States (S. Doc. No. 670);  
Virginia Lape, administratrix of the estate of Wentz Curtis Miller, v. United States (S. Doc. No. 669);  
Alexander Mackenzie v. United States (S. Doc. No. 668); and  
Henry L. Abbot v. United States (S. Doc. No. 667).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 5930) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19238) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary" approved March 3, 1911, and for other purposes.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2224. An act to amend "An act to regulate the height of buildings in the District of Columbia," approved June 1, 1910; and

H. J. Res. 39. Joint resolution proposing an amendment to the Constitution, providing that Senators shall be elected by the people of the several States.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram, in the nature of a petition, from the State Association of Postmasters of Colorado, praying for the enactment of legislation providing

that free city delivery be extended to all second and third class post offices, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Ladies' Waist and Dress-makers' Local Union No. 25, International Ladies' Garment Workers' Union, of New York, remonstrating against the adoption of the so-called illiteracy-test amendment to the immigration law, which was ordered to lie on the table.

He also presented a resolution adopted by the Chamber of Commerce of Philadelphia, Pa., favoring the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the General Conference of the Methodist Episcopal Church of Minnesota, favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ASHURST. I present a telegram in the nature of a petition in reference to Senate bill No. 1. I ask that the telegram lie on the table and be printed in the Record.

There being no objection, the telegram was ordered to lie on the table and to be printed in the Record, as follows:

PHOENIX, ARIZ., May 10, 1912.

HON. HENRY F. ASHURST,  
Washington, D. C.:

Arizona Medical Association, at Bisbee, May 8, passed resolutions earnestly requesting you to lend every aid to the passage of Owen Senate bill No. 1 without malicious amendments, which will defeat its purpose. This association is composed of allopaths, homeopaths, and eclectics. Are unanimous in this respect.

W. WARNER WATKINS, Secretary.

Mr. SUTHERLAND presented a petition of Salt Lake Lodge, No. 106, International Association of Machinists, of Salt Lake City, Utah, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Woman's Auxiliary of St. Thomas's Church, of Hanover, N. H., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented the memorial of Alfred L. Gilbert, of Berlin, N. H., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

He also presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Georgetown Citizens' Association, of the District of Columbia, favoring the enactment of legislation providing for the acquisition of certain land along the course of Rock Creek, which were ordered to lie on the table.

Mr. CATRON presented a memorial of the New Mexico Retailers' Association, remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented memorials of sundry citizens of Florence, Darlington, and Hartsville, all in the State of South Carolina, remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a petition of members of the Southwestern Minnesota Medical Society, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of Sanford Hunt Camp, No. 19, Department of Michigan, United Spanish War Veterans, of Jackson, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

Mr. SHIVELY presented a petition of the Trades and Labor Assembly of Logansport, Ind., praying for the enactment of legislation prohibiting fraud upon the public by requiring manufacturers to place their own names upon manufactured articles, which was referred to the Committee on Manufactures.

Mr. O'GORMAN presented a petition of the United Trades and Labor Council of Buffalo, N. Y., praying for the enactment of legislation providing for the protection of passengers on ocean-going vessels, which was referred to the Committee on Commerce.

He also presented a petition of Major General George F. Elliott Camp, No. 84, Department of New York, United Spanish War



Veterans, of New York City, N. Y., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the war with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of New York, praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Society of the Sons of the Revolution, of New York, praying that an appropriation be made for the preservation of the records of the War of the Revolution, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, Syracuse, and Brooklyn, all in the State of New York, praying for the enactment of legislation to prohibit the use of trading coupons, which were referred to the Committee on Finance.

He also presented petitions of Charlotte Center Grange, No. 669; of South Ripley Grange, No. 1032; and of Westfield Grange, No. 109, all of the Patrons of Husbandry, in the State of New York, praying for the establishment of a governmental postal express, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Chamber of Commerce of San Diego County, Cal., remonstrating against the enactment of legislation to prohibit the towing of log rafts or lumber rafts through the open sea, which was referred to the Committee on Commerce.

He also presented a petition of the California Wholesale Grocers' Association, praying for the enactment of legislation to regulate the marketing of merchandise, which was referred to the Committee on Standards, Weights, and Measures.

#### REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Pensions, to which was referred the bill (S. 4568) granting an increase of pension to Annie R. Schley, reported it with an amendment and submitted a report (No. 754) thereon.

Mr. JONES, from the Committee on Public Lands, to which was referred the amendment, submitted by himself on the 2d instant, proposing to appropriate \$50,000 for the establishment of a system of roads in the Mount Rainier National Park, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4654) to regulate contracts for the future delivery of cotton, reported it with amendments.

#### LAND AT TWIN FALLS, IDAHO.

Mr. HEYBURN. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 2530) granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes, and I submit a report (No. 753) thereon. I call the attention of my colleague, the Senator from Idaho [Mr. BORAH], to it.

Mr. BORAH. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CALLING OF THE ROLL.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Jones	Smith, Ariz.
Bacon	Curtis	Lodge	Smith, Ga.
Borah	du Pont	Martine, N. J.	Smith, S. C.
Bourne	Fall	Myers	Smoot
Bradley	Fletcher	Nelson	Sutherland
Bristow	Foster	Oliver	Swanson
Brown	Gallinger	Overman	Thornton
Bryan	Gardner	Page	Townsend
Burnham	Gronna	Paynter	Warren
Catron	Guggenheim	Perkins	Watson
Chamberlain	Heyburn	Richardson	Wetmore
Clark, Wyo.	Hitchcock	Root	Williams
Clarke, Ark.	Johnson, Me.	Shively	Works
Crawford	Johnston, Ala.	Simmons	

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. A quorum of the Senate is present.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CATRON:

A bill (S. 6833) for the relief of Manuelita Swope; to the Committee on Indian Depredations.

By Mr. DU PONT:

A bill (S. 6834) granting an increase of pension to William E. Vickers (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

(By request): A bill (S. 6835) for the relief of William A. Kinsolving; to the Committee on Claims; and

A bill (S. 6836) granting an increase of pension to Charles W. Ash (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6837) granting an increase of pension to Almira C. G. Stearns (with accompanying paper); and

A bill (S. 6838) granting an increase of pension to Mary E. Buchanan (with accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6839) granting a pension to Manerva Ereann Dealey; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6840) granting an increase of pension to Harriet V. Tiernon (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6841) transferring the military reservation of Fort Thomas, Ky., from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Navy; to the Committee on Military Affairs.

#### AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL (H. R. 24023).

Mr. DU PONT submitted an amendment proposing to increase the salary of the messenger to the Committee on Military Affairs from \$900 per annum to \$1,440 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate \$1,500 for the salary of shipping commissioner at Norfolk, Va., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PAGE submitted an amendment authorizing the Auditor for the State and Other Departments to credit Hobart J. Shanley with the sum of \$1,501.75 for certain credits claimed and suspended for lack of itemization, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### MESSENGER TO COMMITTEE ON THE UNIVERSITY OF THE UNITED STATES.

Mr. JOHNSTON of Alabama submitted the following resolution (S. Res. 312), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on the University of the United States be, and it hereby is, authorized to employ a messenger at \$720 per annum for the balance of the present session of Congress, to be paid out of the contingent fund of the Senate.

#### SOUTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CLARK of Wyoming submitted the following concurrent resolution (S. Con. Res. 21), which was read, considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring)*, That the President is requested to return to the Senate the bill (H. R. 14083) to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes, and that the action of the Vice President and President of the Senate and the Speaker of the House of Representatives in signing the said enrolled bill be rescinded.

#### ELECTION OF SENATORS BY DIRECT VOTE (S. DOC. NO. 666).

Mr. BORAH. I present an article prepared by Senator JOSEPH L. BRISTOW on the direct election of Senators. I move that the article be printed as a Senate document.

The motion was agreed to.



## POLICE AND FIREMEN'S RELIEF FUND.

The VICE PRESIDENT laid before the Senate the bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, returned to the Senate in compliance with its request.

Mr. GALLINGER. I move that the votes whereby the bill was ordered to a third reading and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on the District of Columbia.

The motion was agreed to.

## HOUSE BILL REFERRED.

H. R. 23635. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title, and referred to the Committee on the Judiciary.

## AFFAIRS IN MEXICO.

Mr. FALL. I have here, Mr. President, an article printed in the El Paso Times of recent date referring to a matter which has been discussed in the Senate, and I would ask that the article be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JAPANESE MAKE A DEAL WITH OROZCO—MADERO SPY IN EL PASO JAIL TELLS OF PLOT—SAYS RED FLAGGERS GRANTED MIKADO'S AGENTS MAGDALENA BAY AND OTHER CONCESSIONS FOR WAR MONEY.

In consideration of the Magdalena Bay concession in Baja California, and whatever additional concession they see fit to take, according to the terms of an agreement signed by three representatives of the Japanese Government and Pascual Orozco in Chihuahua on March 9 last, the Japanese are to furnish the necessary sums of money to Orozco to carry his revolution to a successful termination, was the declaration yesterday of Peter F. Aiken, who was a Japanese spy in the Russo-Japanese War and later a spy for the Mexican Government.

Aiken is at present in the county jail in El Paso serving a six months' term, having been convicted at the recent term of the United States district court on a charge of making a shipment of munitions of war into Mexico in violation of the President's proclamation.

Full details of the transaction which led up to the signing of the agreement between Orozco and the Japanese, together with the names of the Japanese, which he could not at this time recall, are among the papers which Aiken asserted he forwarded to E. S. Rogers, formerly a Congressman from Minnesota, 204-205 German-American Bank Building, at the intersection of Fourth and Roberts Streets, St. Paul, following his arrest in El Paso on March 20.

Included among the papers, Aiken said, is his diary, in which are the names of the Japanese representatives and maps of Mexico prepared by him during the nine months he was in Japan after the close of the Russo-Japanese War, which specify the proposed points at which the Japanese asserted they would land in the event of a war with the United States.

Magdalena Bay figures prominently, he says, in the maps which are in the possession of Mr. Rogers, for it was at that point he declared the officers of the Japanese Army told him they would land their troops and establish a base for supplies preparatory to the invasion of the United States.

Aiken asserts that at that time he was regarded with full confidence by the Japanese Army officers, having rendered them valuable assistance during the war with Russia.

With reference to the alliance that Aiken declared was entered into by Orozco and the three representatives of the Japanese Government, whom he said were generals in that army, he asserted that the Japanese are now furnishing Orozco money to carry on his campaign, the other sources, he says, having been exhausted some time ago.

According to Aiken, who said he went to Chihuahua for the purpose of seeing Orozco and getting some money from him, he was taken to Orozco's headquarters by Gen. Emilio Campa.

Shortly after they had entered the Orozco's apartment at Chihuahua, Gen. Inez Salazar came in, followed by three Japanese. The Japanese carried a large map of Mexico, which they placed on the long table in the office before Orozco. Orozco, Aiken said, was seated, while the Japanese remained standing.

During the conference the map passed from one side to the other, being marked at each passing by the Japanese with red ink. The marking indicated the places which were to be given to the Japanese Government as consideration for the money to be furnished Orozco by them.

Magdalena Bay, Aiken said, was the first place marked by the Japanese. They selected other points, Vera Cruz being among them.

After the ceremony of marking was concluded the Japanese, Aiken said, drew forth two bulky parcels, containing legal cap paper, embodying the terms of the agreement. One was the original and the other the copy, and had already been signed by the Japanese.

Both were handed over to Orozco and he signed both, returning the original to the Japanese representatives. All then shook hands, and the Japanese departed.

During the continuance of the conference, Aiken said, Orozco displayed anxiety, and showed an eagerness to have the Japanese take their concessions and fulfill their promises of sending him the money for his revolution.

When the papers were signed, Aiken said, Orozco turned to two other Mexican red flag generals and remarked that he had made an excellent agreement.

Shortly after this, Aiken said, he encountered the Japanese representative at the Palacio Hotel, and there asked them for \$100, which they gave him.

He asserted that the name of one was Togo, not the admiral, but a general in the Japanese Army. However, he said that the names of all were in his diary, and this he expected to have within a few days, having written to Mr. Rogers to forward his papers to him.

Orozco, Aiken declared, had told him that he felt from the very beginning that the Japanese Government would come to his support, and he had always favored an alliance with Japan, and that he was willing

to give them Magdalena Bay or any other concession they wanted in order to secure their assistance in carrying on his revolution.

The Japanese left Chihuahua the next morning following the signing of the agreement, going in an automobile from Chihuahua to Torreon, the railroad connections between Santa Rosalia and Torreon being destroyed at that time.

Aiken has been in the employ of President Francisco I. Madero, having accepted, he asserts, his recent position of spy with the Government forces from the President. He stated that Madero always entertained a great dislike for the Japanese, believing that if they gained a foothold in Mexico they would overrun the country and this would result in either war with Japan or with the United States.

Orozco, Aiken stated, during the Madero revolution against Diaz had made a suggestion to Madero to the effect that the Japanese be given concessions in Mexico, but to these overtures Madero was firm in his denial.

At the close of the Russo-Japanese War, and while he was in Tokyo, Aiken said that the feeling there against the United States was very bitter, and that the Japanese at the time were preparing for an invasion of this country.

To this end, he said, they prepared maps of Mexico with a view of securing concessions from the Mexican Government, and from these maps he made his copies.

Aiken declares that the Japanese figure they could never waste time in taking the Philippines, which they could do without any serious trouble, but would land their troops at Magdalena Bay and other coast points of Mexico, and would then invade the United States.

With the Japanese spies that Japan has at present in the United States, Aiken says, they could organize a formidable army.

Aiken enlisted in the Japanese Army as a spy in Washington, D. C., being accepted by the ambassador of Japan, he says, after his first application.

Aiken was engaged as a spy by Diaz during the Madero revolution, and later figured in this capacity for Madero until his arrest and conviction here in El Paso.

His father is master mechanic of the Hillsboro-Northeastern Railway at Hillsboro, Wis., and his sister is principal of the high school at Glidden, Wis., he says.

Mr. FALL. Mr. President, I desire to make a statement with reference to the article which has just been read.

I would not ordinarily ask that a newspaper article should be read and printed in the CONGRESSIONAL RECORD, but this clipping came to me from a responsible and reliable a man as there is in the southwestern country. He is a man who is representing very large interests in Mexico, not the corporation interests but the interests of seven or eight thousand American colonists in the Republic of Mexico. Accompanying this newspaper article was a letter from this gentleman. I know him and have known him for years. I can vouch absolutely for his responsibility. I have not dared to send the letter to the desk and to ask to have that printed, because to publish his name in connection with this article with the contents of his letter might possibly cause very grave complications and might inure to his injury, as he is engaged in Mexico, and the interests of those whom he represents are altogether in the Republic of Mexico. It is under these circumstances alone that I would ask that a newspaper article be printed.

## AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 18960, the Agriculture appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

Mr. BURNHAM. Mr. President, I desire to offer two amendments to the bill. First, on page 23, line 20, after the word "demonstrations," I move to strike out the words "and for" and to insert the word "in."

The PRESIDING OFFICER (Mr. Root in the chair). The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 23, line 20, in the committee amendment, after the word "demonstrations," it is proposed to strike out the words "and for," and in lieu thereof to insert the word "in," so that, if amended, it will read:

For farmers' cooperative demonstrations in the study and demonstration of the best methods, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURNHAM. Now, on page 88, line 3, after the word "when," I move to insert the words "officials and," to correspond with the fourteenth line in reference to the same subject.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. On page 88, in the committee amendment, line 3, after the word "when," it is proposed to insert "officials and," so that if amended it will read:

That hereafter when officials and employees of the Department of Agriculture, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEYBURN. Mr. President, on yesterday at frequent intervals we were interrogated as to the remedy to be proposed



for the evils complained of. I send to the desk a proposed amendment, to follow the provisions relating to the forest reserves.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following the provisions relating to the Forest Service, it is proposed to insert the following:

*Provided*, That whenever after the passage of this act any State within which the United States shall have public lands, reserved or unreserved, except lands held in connection with actual Government use, shall by constitutional provision provide for acceptance of the grant and conveyance of the lands as herein provided and for the enactment of such land laws by the legislature of such State as shall in the judgment of the Congress, to which such constitutional provision shall be submitted, insure a wise and adequate control, administration, settlement, and disposition of such lands by the State, then the President shall, by patent, convey such public lands of the United States to the State within which such lands lie, and thereafter the lands so conveyed shall be the property of such State and shall be held, administered, settled, and disposed of by such State in accordance with the laws of such State.

That after the transfer of such lands to the State they shall be open to settlement and sale under the laws of said State.

That the States within which such lands are situated shall pay into the Treasury of the United States 5 per cent of the moneys received from the sale or rental of such lands by the State.

That no State shall, by law or otherwise, grant or dispose of any such lands to one person or association of persons or corporation in greater area or quantity than the amount as is now provided by the laws of the United States according to the use thereof.

That the grant and transfer of such lands by the United States shall include all coal, mineral, timber, grazing, agricultural, and other lands and all water or power rights and claims and all rights in lands of any character whatsoever.

Mr. HEYBURN. The effect of the amendment is to transfer the administration of the public lands of the United States to the respective States in which they are situated. A primary reason is that of convenience of administration and efficiency as well. The distance of the applicant and the subject of the application are so far removed to-day from the administrative center that great hardships and impossible conditions arise. The basis of most complaints is that, because of the distance of the applicants from the source of judgment, it is impossible both from a financial standpoint and one of physical possibility for them to comply promptly with the requirements.

I have read with much interest and amusement at times the provisions with reference to the entering of homesteads and the conditions imposed upon the parties seeking to enter homesteads.

It was suggested yesterday in the discussion of this question that when lands were to be eliminated from the forest reserves notice should be given of that fact and transmitted through various channels to the head of the department in Washington; that thereupon a survey and inspection or investigation would be made; and having been made and a report thereof transmitted, the rights of the party would be considered. The inquiry arose in my mind where would the applicant be during all of this time—living in his canvas-covered wagon at the border of the State or somewhere along the public highway and paying for the right of his poor old horses to graze upon the wild grass that grew along the highway? Those are the conditions within the contemplation of the suggestion.

A man who wants a home can not wait for these conditions. It is a physical impossibility, as well as a financial impossibility oftentimes, for him to wait. He will go on to some other promised land and try to find a home elsewhere, and the State of his choice loses the opportunity for him to become a citizen and that which would flow from it.

Mr. President, that is in keeping with much of the administrative provisions against which we now protest. The man hunting a home is not, as a rule, if ever, possessed of any more than sufficient means to pay his expenses while going to the new home and during the period intervening before his selection and the productiveness of that home. The elimination of areas termed agricultural within forest reserves has been most frequently granted to those who are sufficiently wealthy probably to stop at a hotel in some neighboring town and wait until they could get a segregation authorized that would enable them to get some desirable piece of land, but it has no application and serves no useful purpose to the ordinary homeseeker at all.

I want that thought to rest in the minds of some Senators who intend to give their attention to this matter, because it is one of the greatest of all evils growing out of the system. I epitomize it in this way: They provide that a man hunting a home shall wait for inspection, classification, survey, and the routine performance of these duties before he knows whether he will get a home or not. My colleague [Mr. BORAH] yesterday read a letter from one of the officials that very well illustrates this proposition, but you can carry it away out beyond the party interested and mentioned in that letter into the general body of home seekers. That is the condition that we are

confronted with. I am not going to spend time inveighing against it, because I only cite it as an illustration of the necessity for some change in the manner of acquiring homes.

That condition could not exist if the administration of the public lands was in the State government. It would not exist because it would be too close at hand, and some neighbor could conveniently call the attention of the State authorities to the matter or call it to the attention of the member of the legislature who went up from his immediate environment to the capital, or to any one of a dozen sources, and have it corrected, or he could telephone from one part of the State to another. There is no part of our State that is not connected by telephone, and he could call up an official and call his attention to the fact that he desired to settle upon this piece of land, and the State land board, or whatever it may be denominated, would adjust it, and they could do it in a few days instead of many months, as now.

So that this proposed transfer of jurisdiction would obviate those delays or that class of delays. It could be speedily determined. As now, you do not know who is in charge of the investigation. They will not allow you see the official report in the Land Office. You can get no line whatever on it until perhaps in two or three years you are officially notified in terse language that your application has been rejected.

I have files full of letters of actual cases of that kind, but inasmuch as I presume that many other Senators have the same class of communications, I will not encumber the RECORD by inserting them.

That is one of the reasons for transferring the jurisdiction over these lands to the States in which the lands are situated, because in the first place the applicant must be a citizen of the United States and he must be a resident of the State in which the lands are. That is his environment; that is the condition that must exist; and why should not the law be administered more conveniently in the State under the safeguards provided for by the proposed amendment?

Now, let me make plain what the proposed amendment is. It is, first, to transfer the jurisdiction to the State. It does that by transferring the title of the lands to the State, but the precautionary measure is that the State shall by constitutional amendment first, before it is entitled to these lands, provide to the satisfaction of Congress such basic law or principles of legislation as will insure against erratic legislation by the State or against the squandering or the waste of the land.

Now, in the Carey legislation we allowed the States to take title to the lands, subject to certain supervision remaining in the Government and subject to legislation by the States, but from my observation of the working of that law I think it is open to criticism that it is subject to changing legislation by the States.

Now, we simply transfer a satisfactory system of laws approved by Congress, guaranteed by the constitution of the State, which must meet with the approval of Congress, and then we turn over the lands to a well-equipped, well-guarded, and safe administration. We meet there the objection of erratic legislation; we meet there the objection that the States would squander the lands. Congress under this proposed amendment first establishes the organic law under which the States may act and protects against the possibility of the happening of these dire things.

Now, that is the second proposition.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, what provision does his amendment make as to the expenses of administration after the States have control?

Mr. HEYBURN. The State administers its lands now, and it provides within the law regulating that administration for certain payments, sufficient to compensate it for expenses. No profit is to be reaped by anyone; and the other is a question of fees. It provides also for the payment to the General Government of 5 per cent of the money received from the disposition of these lands.

Now, 5 per cent may or may not be the exact sum that would represent justice and fairness, but it is a tentative basis from which to consider this proposition about our character of legislation. That is in recognition of the fact that the State will make these lands taxable and will derive a benefit that to-day flows to no one, because they are not taxable either by the United States or by the State or State authority, and the State can well afford, when it sells a part of these lands, to pay 5 per cent of it to the Government of the United States in recognition of the fact that they have derived the lands and title and administrative power from the Government of the United States.

I want to dwell a moment on the reason for requiring a constitutional guaranty against reckless legislation or unwise



legislation. We have no right to presume that States will indulge in unwise legislation, but nevertheless it seems to me that a guaranty against it doing so is proper enough in a transaction of this magnitude. The forest part of the public-land system is a losing proposition to the Government and has been always. It is a bankrupt proposition to the extent of millions of dollars. We are gaining nothing by retaining the title or the possession or the administration of these lands, but, on the contrary, are paying the price of a great many things every year for this luxury.

I proposed this at a former Congress, as Senators who were here at that time will remember, and received considerable support for the then proposed amendment. But the objection was made continually that we can not turn these lands over to the reckless disposition of the States. Mr. President, we turned the lands of Florida over to it a half century ago, and has there been any charge that Florida has proven either incompetent or unfaithful in the administration of those lands? In the treaty by which we acquired Texas as a part of the Union we reserved to Texas the absolute uncontrollable right over the public lands or the lands within the State. Has there been any scandal or complaint that Texas has not wisely administered the public lands? If so, it has not come to my attention. There is every reason to believe that the State will more efficiently and wisely administer these lands, and I will briefly refer to that directly.

Now, those are the provisions preliminary to the transfer by the Government of the title to these lands, and I bespeak for them the careful consideration of Senators. Senators whose minds have not been directed to the consideration of this question I ask to take up with an open mind, having before them the necessity of some change in the system. To those who have considered this question I bespeak that further careful consideration of the choice between the two systems.

Now, the amendment provides that—

Then—

That is, when these things have happened, when we have submitted the charter of our power, the charter that limits us in legislating on the subject, and it shall have met with the approval of Congress, and Congress shall have authorized that upon those conditions and those guarantees the administration shall be transferred to the environment of the man and the land, then the President is authorized to patent the lands to the States. States are not to be sneered at as irresponsible bodies, and I make no exception. The integrity of one State and the ability of one State are as great as another. No States in this Union were comprised of foreign people with such sentiments. You will find in every State in the West that the leading minds and masters who made and who have managed the affairs of the State had their training, or the foundation for it, under the influences and the conditions of the best civilization, intelligence, and culture in the United States.

I said once before—and I have taken some pains to ascertain the facts—that I can find in our mines a larger percentage of college graduates from the great institutions of learning in the United States than in any township in any State lying between here and there. They are there for the purpose of taking on practical experience. Every summer a large number of students and many graduates of our State university come to the mines seeking positions, which are readily obtainable by them, for the purpose of adding to that which they have learned theoretically—the practical operation and application of it—and that is true of all the great States of the West.

Colorado has one of the best educational institutions in the United States that depends upon that source for its patronage and students, and I submit the inquiry as to whether or not we may not safely intrust the administration or execution of this law to that class of men, because they are leaders among men wherever they are. They learned the lesson of leadership in the environment of the East and the great country lying between the East and the West, and they exercise the result of what they have learned in that country, and you can trust them.

But this provides the limitations within which they can act. Now, what next comes is the transfer of the lands:

Then the President shall by patent convey such public lands of the United States to the State within which such lands lie, and thereafter the lands so conveyed shall be the property of such State—

Patents are then to issue from the State as they do now under the Carey Act—

And shall be held, administered, settled, and disposed of by such State in accordance with the laws of such State.

I might have said "the laws thereof," but I wanted to emphasize, under the circumstances, by repeating that term. But after the transfer of such lands to the State they shall be open

to settlement. The main thing to be considered in regard to these lands is not that they should be owned or held by either the Government of the United States or the government of the State, but that they shall pass into individual ownership.

We use the term "sale" to cover the location of mining lands. That is the term used by the courts as to all that class of property. The lands are to be held for settlement and sale under the laws of said States.

Those lines I repeat will not be subject to change after Congress has accepted the constitutional provisions of the State limiting the manner and the scope of such laws:

That the States within which such lands are situated shall pay into the Treasury of the United States 5 per cent of the moneys received from the sale or rental of such lands by the State.

That is a question which does not need to be dwelt upon. As I say, it is in recognition of this grant, and I think it only fair that that should be one of the sources. It will of course terminate when the lands are all disposed of—

That no State shall by law or otherwise, grant or dispose of any such lands to one person, or association of persons, or corporation in greater area or quantity than the amount as is now provided by the laws of the United States according to the use thereof.

We have the homestead limit; we have the mining limit; we have limits of various kinds as to coal lands, and so forth. That is open to consideration. I have incorporated that language in the amendment as a tentative source of consideration during the pendency of this discussion.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Will the Senator from Idaho yield?

Mr. HEYBURN. Yes.

Mr. NEWLANDS. I wish to ask the Senator from Idaho whether he thinks that under existing law the grant of sufficient coal land is permitted to enable an entryman to develop a coal mine?

Mr. HEYBURN. Yes; I do.

Mr. NEWLANDS. Does not the Senator think such an entry ought to be enlarged?

Mr. HEYBURN. I think it is sufficient, for the reason that the experience of a great many years has demonstrated the fact that coal lands may be opened up under such limitations. I have heard a good bit of discussion and suggestion here in regard to the necessity of larger areas. That started in a message from a former President embodying that suggestion. It was discussed at length in this body. I heard no good reason why there should not be an increased area. I will discuss that, however, when the time comes.

The next provision is:

That the grant and transfer of such lands by the United States shall include all coal, mineral, timber, grazing, agricultural, and other lands and all water or power rights and claims, and all rights in lands of any character whatsoever.

In other words, I want a complete elimination of these vexed questions from the legislation of this body. We want to send it where it can be determined under the laws of the State, in the courts of the State, subject to the jurisdiction of the United States courts, under the peculiar situation or condition of the parties.

Mr. President, the burden of procuring title to homesteads and other classes of public lands has grown so that men refrain from attempting to procure it. The prospector has practically disappeared. The prospector was the cornerstone and foundation of the mineral wealth of the United States. He was never a geologist. No scientific discovery of the precious metals was ever made in the United States that added to its wealth. Can any Senator or any geologist suggest an instance? I made the challenge in speaking before those men who insist that the scientific knowledge of geology is necessary to enable you to know where and to look up and find mining claims, and they never denied that fact. I repeat, no valuable discovery of mineral in the United States was ever made by a scientific man acting upon real or imaginary scientific purposes.

The prospector is a man belonging to a class that stands out by itself, and they have quit. They will not work under restraint. I will undertake to say that you will hear more and better real patriotic American citizenship around the camp fire of those prospectors when they travel over the mountains, guided by their own knowledge that can not be learned in any college—you will hear better American citizenship talked, you will hear better and broader principles of loyalty and love of Government than you will hear anywhere, I might say.

Mr. President, when these lands are opened to be prospected and settled and purchased, those men will go into the field again, or others in their stead. Nearly all the old prospectors have gone out of commission since the creation of these forest reserves. You could no more get one of them to go on a forest reserve to prospect under the supervision or control or dictation



or possible interference of a forestry officer than you could get him to come down here and put on evening clothes—not a bit. The Senator from Nevada [Mr. NEWLANDS] knows that.

What would old man Comstock have thought of scientific theories in regard to whether or not a vein could exist where he knew that it did exist? He did not care why it existed there. He had enough geological knowledge perhaps to know what the syenite footwall of a Comstock ledge meant, because he could stick his pick in it and he could strip it off and ascertain its dip and angle and do his work in the light of practical experience, and he did not have to look into any book to know it. He knew the minerals from long experience. He could estimate and judge of them and of their characteristics and quality and value about as accurately as the assayer could tell him.

Now, you have eliminated those people by this forest-reserve system. As I say, they will wear the shackles of no man. They will be subject to the carping criticism of no man. They will quit the business first. That is, the prospectors, men like Comstock and Kellogg and Jack Smith and John King. I could stand here and name those I have known until they would fill pages, men like old man Stevens, who discovered the existence of the mineral wealth of the Leadville Camp. I have heard geologists drawing \$40 and \$50 a day for testifying sit there and say that that ledge could not exist where Jack Smith said it did exist, and they would ask the jury to believe the scientific men. I have lived to see the prospector vindicated and the scientific man made the subject of joke who said that ore bodies could not exist; that the conditions were such that they could not exist at all.

I was in Leadville when the California and Nevada scientific men came there to examine those discoveries, and I heard them say there can not possibly be mines of any value here. They had never seen them of that kind in California or Nevada, and that was the limit of their wisdom. I heard them say that Friar Hill could not possibly have any value for mining purposes, and I saw it produce millions and millions of dollars almost at the grass roots. I saw the same in the Coeur d'Alene country from the Colorado men. I saw the same men who had disproved the wisdom of the Nevada and California experts confused in the Coeur d'Alene country because the conditions were different from those in Colorado or California. I know one of the richest mining men in the United States to-day who turned the Bunker Hill mine down for \$35,000—and he had the money to pay for it—because it did not look like any mine he had ever seen and therefore it could not be worth anything.

Now, he was not a prospector. He was a mining man. There is all the difference in the world between a prospector and a mining man. A prospector is a hard-working citizen who goes out and takes his chances with climate and nature and poverty and hunger and spends his time in the discovery of mines. The mining man wears what we used to call a Thompson boot—that is, the fair-leather boots that laced up the side—and he parts his name in the middle, as a rule, and talks wisdom about geology, and he is trying to sell somebody else's property. That is the mining man as distinguished from the prospector.

Of course he goes out of business as mining ceases to be attractive to capital. The prospector goes out of business when any man dares to say to him your exercise of rights as an American citizen is subject to my inspection, approval, and control.

They have on this list of employees mining experts at so many thousand dollars a year. I am not going to stop to carp at the salary of some man, but those are the men—I was going to say in half a dozen cases that I could name, but I do not want to name too many people and things—who went to miners with whom I am acquainted and with whose property I have some acquaintance, and said to them, "You are wasting your time here. This will never make a mine. Get off here. You can not encumber the earth at this point. We are forestry inspectors, and this is the mining expert whom we have brought here to say whether or not you are justified in taking possession of this piece of property and expending your time on it."

In the days when mining was a great business in this country we had on the Supreme Bench of the United States some great men who had personal knowledge of mining and the methods relating to it. In the case of Chambers against Harrington the question came to them for decision if the court was to be the judge whether a man's discovery was good or if it was the man who staked his money, his labor, and his time. They decided in that case that whatever the miner was willing to spend his time and his money upon for purposes of development constituted a valid discovery of a mining claim. The courts have sometimes forgotten it. I had occasion 20 years or more ago to relitigate the question in the light of that decision against

the opposing views of a court that undertook to insert the word "reasonable"—"with the reasonable expectation of finding ore." Chambers against Harrington said, "with the expectation of finding ore" and that left it, of course, to the judgment of the man who had the expectation to spend his labor upon it and his money. That supreme court held that they could read into the law the word "reasonable," "with the reasonable expectation of finding ore," but the Supreme Court of the United States settled that question. They held that the court could not write the word "reasonable" into the law.

Now, the Forestry Service is disregarding the law of the Supreme Court of the United States daily, and in a large number of cases, and is paralyzing the energetic arm and the intelligent brain of the prospector by holding that in their judgment he is not justified in spending his time or money upon it. They are disregarding the decision of the Supreme Court and they are silent when you call their attention to it.

That is the result of placing the power in the hands of the Forestry Service to say whether or not the prospector is justified in making a discovery and spending his time and money upon it. In arguing this case in those days I inquired whether or not it was reasonable to suppose that any man, poor as a prospector always is, anxious for speedy receipts, as a prospector always is, would waste his time in digging holes out in the mountains, oftentimes or generally many miles from comfort and civilization. There is no reason why he should. It is a little like the supposition that seems to be accepted that men go out and cut down trees for fun. There is nobody in this Chamber so energetic as either to cut down a tree for fun or to dig a hole in the ground or drill it in the rocks without reason—his reason, not somebody else's, not the substituted reason of a self-constituted critic, but the reason of the man who contributes the labor and assumes the responsibility.

I have felt justified this morning in dwelling some upon this, because it has resulted in closing up the source of mining and mineral wealth in this country to a very great extent. The only mines that are being worked to-day—there may be exceptions, but I speak generally—are those that were discovered before this black pall was thrown over the field of possibility. They are enlarging and extending the scope. They are controlling the market for mines and the product of mines by limiting the possibility of the development or discovery of mines. That is worth considering, when you realize that whatever we produce—and we certainly do produce a large quantity of it in this country—is the basis of our real wealth. We have a lot of promissory notes out, and they are good; but they are good because there is behind them the gold that results from the prospector's work. No gold mines have been discovered in Wall Street as yet that were open to location and purchase by the prospector.

So that is a great question, and I do not feel called upon to apologize at all for having taken the time of the Senate in presenting it. It is a live question, and it is involved in this amendment. It is involved in the bill under consideration. Its fate is written in the lines of those documents.

I wrote the other day to our western country inquiring in regard to prospecting as to whether those old men or others in that place were at work scouring the mountains to find mines, and I was told that they were not; that they had been compelled to retire from that occupation because they would not submit to the interference and supervision and criticism and dominion of the forest reserve representatives. Why should they submit? Right in the State of Idaho, in the county in which I live, we produce one-third of the lead produced in the United States. We produce vast quantities of silver and gold and copper. But we are producing it from the mines that we had succeeded in securing before the forest reservations were blanketed over that country.

The southern part of our county, which was only not developed along those lines because the area of the country was large and the people were few, is as rich in mineral resources as that from which we are now producing \$22,000,000 a year. That is in one county, in one part of a county, in a small fraction of a county. But nobody will go in there in the forest reserve subject to its interference, restrictions, and annoyances even to look for it. If you found it they would find a reason to make it undesirable, so much so, first, that you would not develop it; and second, that if you did nobody would buy it.

Men will not go within a forest reserve where they can not cut a stick of timber for ordinary accidental transient use without sending for a forest State ranger to some point difficult of ascertainment. They would not be bothered by it. They will say, "We will quit the mining business; the annoyances have accumulated to such an extent that we are not willing to subject ourselves to them"; and unless we can pass a compulsory



mining law that will compel men to prospect and other men to buy and operate the mines, it looks to me as though we were limited to existing conditions.

Send those prospectors back into that country by adopting this amendment so that those lands will be free and open to exploration, as Congress said they should be when they passed the acts of 1866 and 1872.

I will not undertake to characterize or to dwell at length upon the reasons that have brought about this condition. I can cite just one brief instance that may be a cue to it. A neighbor of mine, or at least a fellow townsman, had a mining claim, and a very good one. He had discovered it and worked upon it from 1884 up to 1892, when this occurred, and through his individual labor, or by it, he had opened up that mine until it had a splendid showing of ore. He went to one of the representatives of a large mining combination that had bought up a whole section of country and was mining it to great profit, and he said to him, "I would like to sell you my mine; you know it is a good mine." "Yes; I know it is a good mine; I think it is one of the best new properties in the camp, but," he said, "I can not consider the question of buying it with you until I have consulted with certain members of the Mine Owners' Association, because they have an arrangement for the limiting of the purchase and development of mines; they do not want new producing mines contributing to the market of metals and ores"; and he added, "I will let you know at a certain time." And he did. He then said, "I have consulted with a certain man"—who was a very large operator and one of the officers of this organization—and he said, "We have concluded not to purchase any more mines just at present." A little mine like that in the hands of an individual of limited capital is useless unless he can get the facilities for milling, transporting, and working his ore. The smelting combination limit the quantity of ore that will be purchased, and they have a system of discriminating as to what ores will be taken and what will not be taken. So, in a measure, they limit his market.

I am talking in the presence of men who know about these questions, and I shall assume that, if they are silent, they concur in what I am saying. The combination will limit your opportunities to mine the ore, transport it, and sample it, and they will limit the opportunity to sell it. They will say, "We will take so many tons from this mine, so many tons from that mine, and so many tons from another mine," and they tell them to what point they are to ship it. They will wire you, "Ship your ore this month to Kansas City," or "Ship 50 cars to Leadville," and so much to another point. They will tell you not only on what terms you may market it, but will tell you where you must send it.

That is a condition that is brought about very largely by the limitation of opportunity to discover new mines and open them up. They do not want new mines opened up unless they can control their output; they do not want new mines opened up unless they can control the disposition of the product of the mines.

I am speaking now of a combination. We have in our country individuals who are strong enough to disregard them, but the man who has spent his years and all the money he had to find the mine, who has only the find and not the realization, is not in a position to do it. Give those men free opportunity to open up mines, so that every morning when you pick up the newspaper you will be confronted with statements of new discoveries of mines, and you will break down these combinations. They did not exist as they exist to-day until after these prohibitive conditions were brought about. So much for that.

For that reason, I want the public mineral lands of the United States to go under the administration of the State governments, in order that those who live in the neighborhood, who know the conditions, and who are free to exercise their rights of citizenship, may have something to say about the terms and conditions upon which the discovery and location may be made.

Now, as to coal lands. The relation of the assets of the soil to the people of the United States is one that has been at times very much misunderstood or misstated. No thoroughly sane man would seriously propose that the Government own and operate the coal mines of the country. I have never heard anyone stand out for that contention. Conditions such as exist to-day in near-by States, and have existed in all parts of the United States within the last 12 months, amounting to a reign of anarchy and a disregard of law—by whom I need not say—are sufficient in themselves to afford a reason why the Government should not even consider the ownership of coal lands.

The object of the formation of this Government was to afford men opportunity to engage in gainful enterprise—individuals; it was not to form a government that should indulge in gain-

ful enterprise. No one ever urged that as a reason for the making of the United States of America. The primary purpose was to give opportunity to the units of government. If the United States is justified in retaining the ownership of the coal lands and working them under any system, I care not what, it is equally justified in retaining and operating the farm lands, the fruit lands, the fisheries, and all other of the assets of the country.

Mr. President, I am going to ask for a vote upon this amendment at the proper time, and every Senator who answers to his name when the roll is called will be required to vote upon these questions. I might be met by the statement that all Senators know all about it and do not need to hear. They may be in the position of the apostle, or whatever he may be termed, in Arabia, who had a great reputation for wisdom and erudition. A concourse assembled for the purpose of hearing him. He came there, rose, and said, "How many of you know what I am going to say and how many of you do not?" They all rose in response to the first proposition. He walked away. The next time he came he propounded the same question, and in order to catch him they said, "None of us know," and he walked away. When he again returned he propounded the same question, and they said, "Some of us do and some of us do not." "Well," he said, "those who do can tell those who do not," and he walked away. [Laughter.]

Mr. President, I merely referred to that old legend in order to suggest that when a vote is called for I should like Senators to know upon what they are voting; and while I realize that this is the luncheon hour of the Senate, yet I feel it a duty to the cause for which I speak to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROOR in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Myers	Smith, S. C.
Bacon	Davis	Oliver	Smoot
Borah	du Pont	Overman	Swanson
Bourne	Fall	Page	Tillman
Brown	Fletcher	Paynter	Townsend
Bryan	Gallinger	Perkins	Warren
Burnham	Gardner	Rayner	Watson
Catron	Gronna	Richardson	Wetmore
Chamberlain	Heyburn	Root	Williams
Clarke, Ark.	Johnston, Ala.	Shively	Works
Crawford	Jones	Simmons	
Culberson	Lodge	Smith, Ariz.	
Cullom	Martine, N. J.	Smith, Ga.	

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent on important business. I understand he is out of the city, and so I make this announcement to stand for the day.

Mr. SMOOT. I desire to announce that the junior Senator from Wisconsin [Mr. STEPHENSON] is unavoidably detained from the Senate, but he has a general pair with the senior Senator from Virginia [Mr. MARTIN].

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. HEYBURN. I regret to have felt it necessary or proper to disturb Senators, and I hope I did not disturb them unduly in their luncheon hour. But I sit here week after week, month after month, and listen to their wisdom and give the questions they present that consideration which in the performance of my duty I must. I am presenting a great question, not that my presentation will add to or detract from its greatness, but I am presenting a question with a view of getting responsible action at the hands of Congress. The measures that I am submitting to-day will be the law of the land in the near future, and I am of the opinion that if the Senate will to-day give it that careful consideration to which it is entitled, they will avoid the necessity of much expense and vast labor on the part of the Government and of the legislative bodies—the two Houses. I am proposing a measure that will save to the Government of the United States millions and millions of dollars every year.

Now, I had said that when the rights to the assets of the country were being determined it was not in the aggregate but individually. The country has it already. They already have all the coal in the ground. You and I have an undivided interest in all the coal lands and the wealth within them and in all the forests, and there is no principle of law that would authorize Congress to give any part of it to any class of people. It belongs to all.

But I am speaking to the question of individual participation in the active use and development of the resources of the coun-



try, and that is the important question, and it is a question that some Congress is going to solve speedily. The withdrawal of men from attempting to take up land or discover mines or extract coal and ore will mean stagnation. It will mean an exaggerated form of the conditions that are to-day deplored by men who are content with a lachrymose contemplation of evils that exist in every direction. The remedy is not difficult. There is a man for every plow in this country. There is a man for every pick and shovel in this country. There is a man for every opportunity that exists. The difficulty of to-day is that some one, like a little thoughtless child, has encompassed its toys and possessions within its arms to exclude all other children from participating in them to save something.

We are a Nation considering how we may use things, not how we may save them. The saving is an individual proposition. The growth and development of this country do not depend upon savings. They depend upon the useful and gainful acceptance of these opportunities. That is what I speak for. Now, make available the coal lands either within our borders at home or in Alaska or elsewhere to American citizens with the same rights, and the American citizens will hold in their hands the solution of the development of coal lands, the production of coal to meet the necessities of people, and the American citizens, considered singly or in the aggregate, constitute the tribunal that must settle these questions.

Mr. President, I remember on this floor eight years ago when we were told by men who were responsible to Congress and to the people that the coal supply of the United States would be exhausted in 19 years 11 months 2 weeks and 3½ days.

They had figured it down. The visible coal supply in the United States to-day is greater than it ever was within the knowledge or conjecture of man. Do people mine coal and sink it in the sea? Do they mine coal not to be used? Do they mine coal for anything but use? Is there an abnormal reserve of mined coal in the country to-day? What would the people have done had it not been mined? On the question of evil in mining there is a lot of published talk about the waste of natural resources by a lot of irresponsible people who do not know how to think, who are talking to attract attention and to create the impression that they are possessed of great erudition. Turn them out and let them depend on their resources, without special favors, and they would starve to death.

Let us look at these questions in a reasonable manner. I repeat that inquiry: Where is the waste of lumber, the waste of coal, or the waste of water? Has it been burned up or destroyed. The amount of timber that was burned occupies about the same relation to the available timber remaining as does the point of a pin to the earth. I went out purposely to see it. I saw the fire. A fire always makes a big noise like these reformers and agitators. You might imagine that the whole country was crying out for relief; and I went out to look at those fields and went over them.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Along the lines of the suggestion of my colleague, with reference to the amount of timber in the country, may I read a brief article?

Mr. HEYBURN. Certainly.

Mr. BORAH. I read from an article in the Pocatello Tribune, a paper published in the State of Idaho, and the statement seems to come from Prof. Shattuck, of the University of Idaho:

IDAHO'S TIMBER WEALTH—ONE HUNDRED BILLION FEET AVAILABLE IN THE VAST FORESTS OF THE GEM STATE—ENOUGH TO BUILD 7,500,000 COTTAGES—STANDING TIMBER CAN NOT BE EXHAUSTED AT PRESENT RATE OF CUTTING FOR 140 YEARS—HEAD OF FORESTRY GIVES STARTLING FIGURES OF ONE OF IDAHO'S GREATEST RESOURCES.

SPOKANE, WASH., April 9, 1912.

Raw material available in the forests of Idaho for the manufacture of wood products is estimated at 100,000,000,000 feet board measure by Prof. C. H. Shattuck, head of the forestry department of the University of Idaho. This would provide sufficient lumber to erect more than 7,500,000 five-room cottages and several million cords of fuel wood. "At the present rate of cutting, reported to be about 700,000,000 feet a year," Prof. Shattuck said in making the foregoing statement in the course of an interview here, "Idaho has a resource in its timber that can not be exhausted in the next 140 years. This computation does not include the annual growth."

"The present annual growth of our timber is estimated to be more than six times the lumber cut, and if the present policies are carried out the time will never come when the yearly timber cut will exceed the annual growth of wood in the State."

Prof. Shattuck said the State as a whole is yet in its infancy in the manufacture of wood, the amount of capital invested, and the number of men employed in the forests and mills. Capital invested in lumber manufacturing plants amounts to \$17,872,478, or 55 per cent of the total investments in manufacturing in Idaho.

The value of the lumber products in 1910 was \$10,689,310, or 47.7 per cent of the total value of all manufactures of the State; while 8,220

men were employed in the factories, 5,212, or 63.4 per cent, were dependent on wood-manufacturing establishments for employment.

The wood-manufacturing industry exceeded all others in Idaho in added wealth, contributing \$7,344,532, or 58.8 per cent of a total of \$12,479,643 in 1910.

Eight hundred and eight thousand dollars was expended by the United States Government in 1910 in protecting our forests from destruction by fire, and four of the fire-protective associations, composed of timber holders and sawmill operators, spent more than \$100,000 in patrolling their timber lands and the holdings of private individuals of Idaho.

We protect our forests so that we may have the largest possible wood harvest. We have learned that for every thousand feet of lumber manufactured \$8 is paid to wage earners, who must be clothed and fed, thereby stimulating other industries.

Men engaged in other industries are often inclined to feel they have no interest in forestry. Yet the prosperity of those engaged in any industry is largely dependent on the magnitude and success of other lines. For instance, if the entire population were engaged in farming, there would be little market for farm products. The farmer wants factories, where large numbers of wage earners who are consumers of his products may obtain the means to purchase what he has to sell. So it also is with the stock raiser and the fruit grower. Each must have a demand for his products to prosper. The factory owner has an advantage in being near large quantities of the raw material from which he manufactures his products.

If we multiply the figures given for Idaho's wood manufactures for 1910 by 6, the relative yearly growth compared with the annual cut, the result will indicate the actual possibilities of the lumber industry in Idaho and as it will be developed in a few years. The figures would show the value of our lumber products to be \$64,135,860. This should stimulate every resident of the State to use his influence in protecting the enormous undeveloped resources of our forests.

So there is some chance of having some timber left after a decade.

Mr. HEYBURN. I am indebted to my colleague for producing the figures and the statement, unquestionably the result of intelligent investigation and consideration by an official of the University of Idaho. I understand Prof. Shattuck is connected with that institution.

We were sought to be stampeded here on each recurring Congress in the consideration of this bill by the statement that the timber of the United States would be exhausted in a certain number of years. More than half of that period has expired, and the timber of the United States is an increasing proposition. There is more timber to-day than there was 50 years ago. There is more timber in the State of Idaho than there was at any previous period. The cutting out of the large trees does not mash and destroy the trees that are coming on. It only gives them more sunlight and more opportunity to grow and develop.

Of course, I can not apply this to trees in the State of California, where I have seen and laboriously ascertained that some of them were more than 3,000 years old. I spent one Sunday afternoon at Guerneville counting the rings of one that had been sawed off. It had 3,200 indications of yearly growth, and it had grown out of the stump, the circle of which still remained, and the tree from which stump still lay on the ground with nothing but a bark, and on that tree there were indications of 2,800 years' growth. I computed the joint age of those two trees as 6,000, and they were in such a perfect state of preservation that they were being manufactured into great sticks and shingles and other useful articles.

We have reforestation in Idaho since I became a citizen of that State that is to-day merchantable timber, used for the timbering of mines and the building of cabins and all those useful purposes.

But I was speaking of coal. They have withdrawn in the State of Idaho a large area of ground, as possibly containing coal. I only wish they would find it. We would not object to their finding it, but do object to their withdrawing the land because coal may be there. We object to their preventing the investigation by the only people who will investigate, and those are the people who would gain something by it. A lot of Government experts investigate things without any interest in them except their salaries. A man who will investigate the public lands of the United States for the purpose of determining its wealth is the man who expects to gain something as the result of his investigation.

Mr. President, the public lands within the State of Idaho alone affected by the provisions of the reclamation act of June 17, 1902, amounted on February 1, 1910, to approximately 2,237,380 acres of land. That was a subterfuge.

We had succeeded in invoking the wisdom of Congress to the enacting of a law to prevent them from creating more forest reserves. So they changed the names, and they call them other things. Two million two hundred and seventy-seven thousand three hundred and eighty acres.

Of this area, approximately 1,327,280 acres are withdrawn from all forms of disposal under what is termed the "first form."

That is quoted.

The object of using that term and quoting it is to prevent the ordinary layman from knowing what they mean. They give



it a mysterious name and designation, and you have to hunt up a separate volume to find out what that word means; but it does mean 1,327,000 acres of land—

or as sites for reservoirs, sources of materials for construction, or protection of watershed areas.

This is a new item.

Approximately 950,100 acres are withdrawn under the "second form"—

That is quoted also—

as probably susceptible of irrigation and subject to entry only under the homestead laws as modified by the provisions of the act of June 17, 1902.

That is where they first attacked us. Then Idaho is also affected by another withdrawal—

The temporary power-site withdrawals, under supervisory authority, in the State of Idaho include approximately 115,000 acres of land along Salmon, Snake, Payette, Kootenai, Clark Fork, St. Joe, and Coeur d'Alene Rivers.

Then it gives the townships. I want to call attention to the invasion of the rights of the State in that regard. I will say that while I may seem tedious and occupy a good bit of time, I am going to make a record in regard to the merits of this legislation and the proposed amendment that will stand forever.

The VICE PRESIDENT. Will the Senator from Idaho suspend for a moment? The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, I ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, on request of the Senator from North Carolina, the unfinished business will be temporarily laid aside. The Senator from Idaho will proceed.

Mr. HEYBURN. Mr. President, I was saying that, at the expense of being deemed tedious or tiresome, I intend to make a record in regard to this legislation that shall stand for the contemplation and intelligent observation of the people of the United States in and out of Congress so long as this question may be open. It is high time that it was exposed. The people have grown weary of promises of reformation in regard to it, and although I speak to none but the chairman, nevertheless the record will be made and it will reach the people.

Now, they have withdrawn this land for the purpose which they designate—temporary power sites. The muck rakers, speaking personally through their chosen journals and papers, have wrought the people up until they really believe that there is some great danger of the monopoly of the use or right to use the waters flowing in the streams or resting in the lakes of the country.

I know good people who are content to allow other people to speak for them and accept the speech as evidence of truth. I have had people say to me, "Would you allow the monopolies of the country to gather up all the water power and water-power sites?" I was asked this morning whether I am in favor of that, and if not, why I was speaking the way I did yesterday.

In the first place, there is no such thing as property in water in any State in the Union. No person or combination of persons can obtain title to water. It is one of the free elements of nature. No law ever undertook to make property rights in water. What they do give is the right to use water and to use it again and again. There is no such possibility as monopoly in water or water sites. Under the law of one State the constitution declares:

The use of all waters now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution; also of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed, is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Not subject to the control of United States. That is a constitution. That provision was ratified by a Congress of the United States and is a part of the contract of statehood. Congress can not change the provisions of the constitution of a State. Congress can not repeal an admission act. Yet we have allowed these self-constituted guardians of the public domain to assume proprietorship over the waters of a State, and we have helped them by legislating so that the President, forsooth, may withdraw these waters and the use of them from entry and appropriation under the laws of a State.

The act which I have here and which is certified to the Senate upon a resolution that I offered asking for it recites that these withdrawals were made by the President of the United States. I do not stand here to criticize him in person, but I

do stand here for the purpose of calling the attention of responsible Senators who must act under their oaths to respect and preserve the reserved rights of the States.

When Congress passed the admission act of Idaho it in express terms ratified the constitution. Idaho had made her constitution before she came here asking for admission, so that Congress was fully advised as to the wisdom and propriety of the constitutional provisions, and in express terms in the admission act ratified it as presented. I have read you section 1 of article 15 of the constitution of Idaho.

No man can reconcile this withdrawal or attempted withdrawal of waters and water-power sites with the contract written into the Constitution. It can not be reconciled. There is but one conclusion, and that is that in reckless disregard of their duties under the law these intrusted agents of the people have undertaken to override the Constitution, and I am here to speak for the deliverance of a State from the hand of the spoiler.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I do.

Mr. WARREN. I will state that the provision the Senator has read from the constitution of Idaho I think prevails in almost if not in precisely the exact language in Wyoming and other States.

Mr. HEYBURN. I presume so.

Mr. WARREN. I may say that so far as I know we have by no legislative act changed the condition there.

Mr. HEYBURN. We could not change it. Of course it is applicable, and it is contained within the constitution of other States. But I was seeking to point distinctly this question by a reference to the section I have read. Will Senators sit here and disregard a question of that kind for any reason of convenience? They will not do it in violation of principle, I know, but are we to be the victims of convenience and comfort as a State?

Why, some day those will be the great States of the Union, greater than those that are now great. We have passed a number of States on the road in the few short years of our existence as to population, wealth, and productiveness. I make this appeal to the Senators who were elected to represent the Eastern States and whose committee meetings at this particular time prevent their presence in the Chamber. You can, however, rest safe in the assumption that when the power comes to us we will not exercise it in disregard of the rights of any State.

No State—and I say it without animadversion upon any—no State ever grew with the rapidity of the State I represent in this body. It had lain there undeveloped because there were not enough people to cover the ground that far out. They had not discovered its natural resources and the possibilities. But when they came they were a select body of men. The drones do not reach there to any great extent. Perhaps now and then one is blown upon the breeze and lights there, but the record of productiveness in our State indicates that we draw from the best blood of the East.

And yet you would say that we are not capable of administering the coal-land laws. We are entitled to be your market. Under the laws of the country, under the laws of nature, we are entitled to be your market for coal or any other product of our State. Take that into your minds and digest it. We have been your market for the fisheries of New England. We have afforded you a market for the coal of the Alleghenies for a century, or a part of it, as it may be. We have afforded you a market for the products of your looms and your factories. We have afforded you a market for that which you produced and we did not. Now, in the turn of fairness, we are entitled to the position which nature placed us in without carping or criticism.

Why should you come to be masters of the natural products within our responsible boundaries more than that we should invade your boundaries of State? The right is not in the geography; it is in the citizenship, and an American citizen in that far western country has equal rights with the citizen in any other part of it.

When you talk about controlling the coal fields of Wyoming or Colorado or Idaho or of the State of Washington, you must not lose sight of the fact that nature placed them in a position to be your market in which to buy. They are entitled to it. It is one of the assets of their sovereignty. It is also a market in which you may sell. Under the law of retaliation, if you deprive us of that right to be made a purchasing market, we should retaliate by refusing to be your selling market. But the Government was not based upon such principles and will not be so conducted.



So, I say, turn these lands over to the jurisdiction where God Almighty placed them. Turn the coal mines over to the jurisdiction within which they are found. Turn the mines of all metals over to the jurisdiction where they were placed. Suppose that we had not acquired that territory, as we did, under the Louisiana purchase, would you be to-day in a position to say whether its coal should be mined under lease or under contract or whether the title should pass in some individual? No country of tenants was ever a country worthy of much consideration.

We want master men in the American citizenship. We want men who own things for themselves and work for themselves as far as is compatible with the possibilities. The larger the proportion of men who work for themselves in any community in any State or any nation the higher the grade of civilization. They will step freer. They will hold their heads higher. I would rather buy coal of the man who owns the mine than of a man who had it under a lease from the Government of the United States, because I would be contributing to the prosperity of the American citizen individually rather than contributing to a fund to be played with.

So I have no apology to make for including coal within it, and I have wanted to express those views for the Record for a long time. I am not in favor of leasing coal lands. I am not in favor of building up a State or a community of hirelings. I want individual responsibility behind these enterprises.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. The Senator says that he is not in favor of leasing coal lands. I wish to ask him what he would do with the large areas of grazing lands.

Mr. HEYBURN. Now, Mr. President, just a moment. Last evening when the Senator was speaking of those questions some thoughts came into my mind, and I sought to contribute them to the subject he was discussing. He said he would rather not be interrupted, and he gave a very good reason for it, and I acquiesced. It was that he was coming to it. I am coming to that question.

Mr. NEWLANDS. I am very glad to have the benefit of the Senator's judgment upon that question—

Mr. HEYBURN. We have reached it.

Mr. NEWLANDS (continuing). For I think that by an exchange of views among the western men with reference to the various classes of lands we may probably arrive at some conclusion as to the code of law—

Mr. HEYBURN. So do I think.

Mr. NEWLANDS (continuing). That shall be applied to their government.

Mr. HEYBURN. That is the reason—

Mr. NEWLANDS. I think the Senator and myself—

Mr. HEYBURN. Just a moment. That is the reason why I thought an exchange of views at that time might possibly be beneficial, but I am at any time perfectly willing to take up a consideration of these questions for an exchange of views.

Mr. President, so much for the coal question, and I have only touched upon it. It is a great question and we will have it up for independent consideration during this session, I presume.

The mineral I have already discussed. The timber needs no discussion, because it is obvious that they have built up a fictitious idea and school in regard to timber that crumbles like a house of cards when it is touched. In the first place, they always come at you with the figures representing feet. It sounds large to say 200,000,000 feet. You can pile up 6 feet of timber of that desk. But they like to use figures in that way.

The fact is that we have in the State of Idaho probably the largest bodies of white-pine timber remaining in the world that are known, and we have had them there. I have been there nearly 35 years. Those who preceded me seem to have been free from the desire to destroy them, and I know that I may claim credit during the period I have inhabited the State of having respected that timber. I have neither burned it, nor cut it, nor wasted it, nor sought to obtain title to it or any part of it. I think if the disposition to plunder the public domain was as marked as it is pictured here there would not have been a stick of timber left in the State; they would have destroyed that which they could not use. The fact is nobody wants to destroy timber. There is nobody in the United States as much interested in its preservation as the people of Idaho, and there is nobody in the United States as zealous for its protection as the people of Idaho.

The trees are allowed to stand and grow until some necessity of use requires that they shall be used. I would keep more of

it in my State, had I my way, than we do. Unfortunately, we ship probably 600,000,000 feet a year out of the State. We will need it in the State. We have about 1,200 individual sawmills in the State, and we have a few very large mills. I believe we have the largest sawmill in the world. The aggregate product of the small mills is about equal to that of the large ones. We have built cities and towns and communities and farmhouses and barns and fences and structures of all kinds out of that timber. Do you suppose that we would have built a tithe of them if we had had to go to some imported uniformed inspector to get permission to cut the timber? I would live in the cave of the bears before I would do it, and so would self-respecting American citizens. He will say, "Can you not get along without that tree there?" He will say, "Why do you want this tree?" when in your mind you have planned your house for your use or structure. You have considered this question, and here is a man who has arrived a few minutes before for the purpose of checking up what you chose in the exercise of your rights. He says, "You can not have that tree; you have got to take that one; and you must not cut any timber in this section"; and that may be the convenient place from which to draw the timber. Do you think I would settle or build anything within such a jurisdiction? Nor would any other man who was entitled to be an American citizen.

Now, Mr. President, I am going to pass that timber question for this time and go to the question of grazing. The first man engaged in an industrial enterprise of which we have an accurate record was a man who lived by grazing. He had vast quantities of stock. There is no record that he plowed any ground. I presume he did, however, but it was thought of small importance. Father Abraham was engaged in grazing stock upon the public domain. The best condition that exists is when grazing is reduced to inclosed areas. The sheep industry in Ohio demonstrates that. They raise more sheep to a given number of square miles in Ohio than we do on the broad plains of the West. You can raise more cattle upon inclosed areas than you can upon an unrestricted range.

I see the Senator from Nevada [Mr. NEWLANDS] acquiesces in that. Yet we hear men inveighing against settlement because it would restrict grazing areas. I am for settlement and the inclosure of land and the responsibility that follows it. Those conditions can be best brought about by a near-at-home administration. Grazing is included within agriculture, not within the strict technical definition but by general acceptance, and I have the authority of the Century Dictionary for it. As the word is now used it includes all of those attributes and accompaniments that go with farming or tilling of the soil. When a man tills the soil he must have pasture for the animals engaged in it. He must have pasture for all the animals that are necessary attributes to the country life—the horses, the swine, and the fowls. He has to have pasture land for them. Why should not one man engage in plowing all of his land for the cultivation of grain and his neighbor maintain a grazing farm for the purpose of producing hay to sell to the other man? This administration of the law (and I do not confine it to an individual but to a system) would classify the raiser of hay, and those who graze upon the stubble after the hay was cut as not being engaged in agriculture. They would call it pasturage. Pasturage is not necessarily confined to wild land.

We have whole farms, many of them devoted entirely to pasturage, some of them on the cultivated grasses in part and in part on the native grasses. We have bunch grass all over the West that is more nutritious and has a greater sustaining power than has any cultivated grass. That is pasture land. Is the Government to seize the pasture land and hold it as such when all pasture land is susceptible of being converted into tillable land? Are the Government officers to designate and set aside areas for pasture purposes and thus withdraw them from settlement?

I know plenty of men who have settled on land that would have raised any of the grains and crops, who settled there for the entire and exclusive purpose of pasturing stock of various kinds. I have in mind a man who took up a piece of land for the purpose of entering upon the raising of chickens on a large scale. That would not come within the provisions of the definition of agricultural land as it is applied and sought to be enforced by these agents of the Government. In such cases, if they were to apply for a patent for that land as a homestead they would be required to show that they had cultivated a certain number of acres, when perhaps the best use that could be made of that land would involve no cultivation whatever. That is true of pasture land.

Why not let the land go into private ownership under the restricted areas, as they now are, and let the man use them for one purpose this year, for another the next, and for another the



next, according to the conditions that confront him? You can not do it under existing law. You have heard letters read here citing cases where men's homesteads were rejected because they had not cultivated a sufficient proportion of the land, when to have cultivated it would have defeated the purpose of the owner and would have been an unwise and foolish thing to do, because it was more profitable for the uses and the manner of use to which he put it. Let us get rid of that system. You will never get rid of these evils in the administration or the method of administration until you get rid of the law that creates them. You can not reform them; we have tried it for years. I would send such land to the State.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I am very much interested in what the Senator is saying regarding grazing lands. I judge that he takes the view that the law should provide for a homestead entry, and that the use to which that land should be put should be determined by the grantee and not by the grantor.

Mr. HEYBURN. Entirely; that is my position.

Mr. NEWLANDS. I quite agree with the Senator that we should have in view the creation of homes in the main with reference to our public domain, and that if a man can establish a home and support a family upon grazing land he should have a homestead for that purpose. If he can support a family by agriculture, he should have a homestead for that purpose. The Senator, however, realizes that in our country a homestead of 160 or 320 or even 640 acres, such as they have under the Kinkaid law, would not enable a man to support a family, because the land is so dry that the yield is very scanty.

Mr. HEYBURN. I would like to interrupt the Senator.

Mr. NEWLANDS. I would first like to ask the Senator from Idaho to what extent he is willing to go in the creation of a grazing homestead as to area and as to whether he thinks it best that that grazing homestead should be established under an absolute title or temporarily under some kind of a leasing system, so that hereafter, with the improvements in irrigation, and so forth—

Mr. HEYBURN. May I answer there? I will have forgotten the Senator's first question before I reach the other, in all probability. If the Senator will ask his questions so that I may answer them as I go along, I will say, in the first place, I would have the settler the sole judge. One man will succeed on a piece of land where another would fail. A man may raise bees and make a living on a piece of land without breaking an acre of it, where a man who did not know how to raise bees would fail.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the senior Senator from Idaho yield to his colleague?

Mr. BORAH. Will my colleague yield to me for a few minutes?

Mr. HEYBURN. Yes.

Mr. BORAH. In order that they may go into the Record, I want to state some facts concerning some recent withdrawals, which, it seems to me, may be worthy of consideration; facts which have been brought to my attention lately.

The National Forest Service, at the instigation of the Biological Survey, have withdrawn from sheep grazing in the State of Montana, in the Gallatin and Absaroka National Forest, an area of about 450 square miles. This withdrawn land is estimated to be capable of carrying from forty to fifty thousand sheep, and now it is to be devoted entirely to the grazing of elk which overflow from the Yellowstone National Park.

It is estimated that in and around the park there are approximately 50,000 head of elk; more, in fact, than can be maintained in that country. These elk are increasing at the rate of 10,000 head per year, and if it is the policy of the Forest Service to continue to protect them by these withdrawals, it will only be a few years until the grazing land of these Northwestern States will be gone, so far as sheep raising, cattle raising, and horse raising are concerned.

Within the last two months 15 of these elk from Jackson Hole country, in Wyoming, were loaded on a car and shipped to the Wallowa National Forest, in northeastern Oregon, and there placed in a pasture containing 2,550 acres which had previously been devoted to sheep grazing. The sheep in this instance were moved to another portion of the forest, but were it not for the withdrawal for elk conservation at least 2,000 additional sheep could there be grazed.

This constant withdrawal of land in the interest of conservation is each year limiting the available land upon which can be produced the meat supply so necessary for the people, es-

pecially in the present condition of the supply as measured by price; and it is one of the causes undoubtedly which is operating in that direction. The sheep that have been denied grazing in Montana would produce \$350,000 worth of wool and mutton each year.

I put this into the Record, Mr. President, because I think it is one of the abuses which is being practiced by this power to withdraw these lands. While they can not any longer withdraw land in the State of Idaho, the country, generally, I presume, is interested in having these grazing lands open to the sheep which are to be raised upon the western plains and prairies, if at all, to any great extent; and it all has its bearing upon the proper development of that country. I presume that it is well to have some arrangement with regard to these elk; but it does seem to me that, if there is to be a survival of the fittest, we ought to give the chance to the animals which are so useful in so many different ways.

Mr. HEYBURN. Mr. President, I am indebted to my colleague for calling attention to the question. It is one that enters into the consideration of the measure before us. The withdrawal of every 5 acres of land means diminishing the possible meat product from that country. Of course I am giving a very liberal margin there; but the average will sustain that statement. If you withdraw 20,000,000 acres of land in Idaho that would in itself produce meat enough to control the meat market in Chicago.

Those lands carry native grasses to an extent scarcely found elsewhere. When I first went into the Coeur d'Alene country, in the winter of 1883-4, I had occasion to move around, look at the country, and ascertain what I thought of it. I found on the ridges and the sides of those backbones leading up to the peaks a native growth of white clover and timothy—timothy hay—growing there up to my shoulders, native, indigenous, and white clover that would make it difficult for an animal in packing along those ridges to pass without stumbling. Those conditions exist over thousands and hundreds of thousands of acres that are to-day withdrawn from use. Of course that has an effect upon the meat supply. The population of the United States grows; its productive area diminishes. I set one against the other. It should be, of course, just the other way. As population grows the productive area should grow; but we seem to have fallen into the hands of those who have no realization of that.

Mr. President, I do not want Senators, or those who may hereafter read what I say to-day, to fail in information and its application in regard to those questions. There is withdrawn in the United States over 200,000,000 acres of land. That is larger than some of the largest States. It contributes nothing to the grain supply; it could and would, but it does not. So that if supply and demand affect the price of grain, then, of course, the application is obvious. Two hundred million acres of land! Suppose only 20,000,000 acres of it would produce wheat—and that is the lowest possible estimate—20,000,000 acres of wheat would go far toward supplying the wants of our people; it would graze hundreds of thousands of food animals. That it does not do so enhances the value and the cost of those that are raised. The withdrawn lands will produce more in grain or animals or food products to-day than is produced or is needed. There is enough sugar-beet land withdrawn within these forest reserves to add a large per cent to the sugar-beet production of the United States.

Who is benefited? Let us see. I intended yesterday to give the figures as to who is benefited and to what extent. Here is the question of solvency. It cost to administer upon this misused and misappropriated estate last year \$5,919,939.96. That is, for the three items of "investigations, administration, protection, and so forth, of national forests" and permanent improvements of national forests. That is what it costs.

Mr. GALLINGER. That covers all of the forests, I presume.

Mr. HEYBURN. Yes; that is for all the national forests. We received \$2,026,906.15. There is a deficit there.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator there?

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. The Senator will recollect that in that aggregate of expenditure last year there is included a little over a million dollars for emergency expenditures on account of the fires of the previous year.

Mr. HEYBURN. I observe that is noted in the statement here. There was a deficiency between the cost—the amount appropriated, rather, for I do not know whether it cost that or not, and it is not fair to use the term "cost" to the expenditure of that money—but the difference between what we ex-



pended and what we received was the difference between \$2,000,000 and \$6,000,000. We are not going to grow rich at that rate. Why do we hang on to so unprofitable a business? Is it in the hope that it may become more profitable?

When we commenced upon this wild scheme—I will go back to 1907—the appropriation was \$1,827,189.51 and the income \$1,571,059.44. There was a deficit of \$250,000 there.

Mr. President, I have interjected this statement because I omitted yesterday to state those figures definitely. I will put the entire statement into the RECORD, with the permission of the Senate.

The VICE PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

*Statement of expenditures by the Forest Service for national forest work and of receipts from national forest resources.*

	Fiscal year—										Total
	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	
EXPENDITURES.											
Investigations. ....	\$182,806. 94	\$284,752. 96	\$348,773. 31	\$348,539. 09	\$233,428. 76	\$281,693. 88	\$328,609. 73	\$357,974. 44	\$343,439. 71	\$310,418. 57	\$3,020,437. 39
Administration, protec- tion, etc., national forests. ....				288,516. 86	933,478. 39	1,459,631. 04	2,526,098. 02	2,955,425. 01	3,752,316. 91	5,335,886. 97	17,251,353. 20
Permanent improve- ments, national forests. ....				2,762. 18	23,521. 28	78,788. 27	592,169. 19	599,471. 02	598,835. 64	273,634. 42	2,169,182. 00
Total expended. . .	182,806. 94	284,752. 96	348,773. 31	639,818. 13	1,190,428. 43	1,820,113. 19	3,446,876. 94	3,912,870. 47	4,694,592. 26	5,919,630. 93	22,440,972. 59
Unexpended balances returned to United States Treasury. ....	2,633. 06	7,107. 04	1,271. 37	2,369. 55	971. 78	7,076. 32	11,913. 89	19,590. 78	49,636. 63	34,958. 56	136,928. 93
Total appropria- tions. ....	185,440. 00	291,860. 00	350,044. 68	642,187. 68	1,191,400. 21	1,827,189. 51	3,458,790. 83	3,932,461. 25	4,743,628. 89	5,954,589. 52	22,577,901. 57
RECEIPTS.											
Timber sales:											
Interior Department	25,431. 87	45,838. 08	58,436. 19	13,133. 53							142,839. 67
Agricultural Depart- ment. ....				60,136. 62	245,013. 49	686,813. 12	849,027. 24	732,324. 04	1,042,794. 12	1,014,769. 84	4,630,878. 47
Grazing and other uses. ....				6. 00	522,206. 47	884,246. 32	993,254. 63	1,074,946. 62	1,047,353. 96	1,012,136. 31	5,534,150. 31
Total. ....	25,431. 87	45,838. 08	58,436. 19	73,276. 15	767,219. 96	1,571,059. 44	1,842,281. 87	1,807,270. 66	2,090,148. 08	2,026,906. 15	10,307,868. 45

<sup>1</sup> Includes disbursements from February to June 30, 1905; national forests transferred to Department of Agriculture Feb. 1, 1905.

<sup>2</sup> Includes \$1,086,590.89 emergency expenditures for fire fighting, etc.

Mr. HEYBURN. Mr. President, I am approaching the end of my remarks. It may be encouraging to some to know that; but I have not any conscience that rebukes me for having occupied the attention of the Senate so long.

I now come to the question of water powers and claims. I have read the constitutional provision of Idaho and called attention to the fact that, in disregard of it, they have undertaken to set aside and seize upon the assets of the State of Idaho. I called upon the department long ago for a statement as to the amount they have received for the use of that which they have pilfered from the State, but they have thus far failed to respond. I want to know how profitable this nefarious business in taking somebody's else property is. I want to know whether it is sufficiently profitable for the Department of the Interior to pilfer the resources of Idaho so as to make it overpowering in its influence upon Congress. When they take that which the primary or fundamental law of the land says belongs to Idaho and advertise it and assume to administer upon it, I know of no better word to use than "pilfer," which means to take from.

We have a lot of learned treatises and articles written by clerks in the various departments justifying their action and telling why they do it, but they are not satisfactory. What lands within any State, constituting the resources of the State, need any interference on the part of the Government regulating their use? There is an item in the paper this morning showing the quantity of State lands, lands granted to the State of Idaho by the direct action of Congress—not a contingent grant, but a perfected grant—which they have included within reservations and with regard to which they deny that the State has paramount right and title. The lands were granted to the State when it was created; they are named in the State constitution and in the admission act; and yet, notwithstanding that, a braggart band seize upon them, throw around them an imaginary line, and say, "These lands are reserved and withdrawn and subject to the sole administration of a bureau of the Government." Five hundred and twenty-eight thousand five hundred and seventy-nine acres were thus taken from the State of Idaho; that is, they thought they took them. They intended to, and we will give them credit for the intent. Within those lands a citizen of Idaho may not enter except with the permission of these artificial guardians. They strike terror into the hearts of very good people. Their presence is imposing. In the first place, in many instances, they speak a language that the native can not understand. Not long ago I stood upon the platform of a railroad and saw one of them come up. I was interested. He was a beautiful specimen. He

had a jacket nicely braided, and it was a peculiar green that made you think of Robin Hood. He had a cap on, you know, with a little cockade feather in it, and he was walking along stiff-legged when some man addressed him. He looked around, like a German officer is said to look at a man, as much as to say, "Address me with some respect, sir." The man proceeded to say, "I should like to know"—when he was interrupted with the statement, "Do not bother me now; I am busy; I am going on this train"; and he went. That is the kind of men the people there have to come in contact with. I do not know what the mixture of dialects was, but it was not United States. To that condition we have allowed the people of a sovereign State to be subjected. I am sometimes tempted to be lawless.

If I were in the position of those people who have rights and dare to want to exercise them, I would make short work of that case. There ought to be an open and a closed season for them, just as there is for other game. [Laughter.]

Why, Mr. President, last year and the year before they devoted their energies—and I believe they are qualified for that purpose—to catching wild game. They take advantage of the bounty laws of the State, which provide for the payment of a bounty for the ears or some other part of certain wild animals, and they find time in the performance of their duty to collect a great many hundreds of dollars from the State treasury. Of course that is not accounted for; that is one of the emoluments of the office. I am speaking advisedly. I have the reports showing how much those people collected for the killing of wild animals in the State of Idaho.

Mr. President, I do not feel justified in dwelling very much in the way of personal attack upon those people as individuals. The system is wrong. I only speak of individuals to illustrate and bring before your mind the system in its working form, in its operation.

We want that State land placed within the jurisdiction of the State. It is now nominally within the jurisdiction of the State; it is an absolute grant; but they have taken possession of it; their uniform terrifies the civil officers of the State; and they are allowed to occupy it and to control those who would enter upon it. Even the governor of our State or the members of the legislature will not be permitted to enter upon that land.

Mr. President, when we acquired that land from Louisiana we did it under a contract by treaty which provided that the land should be always open and subject to settlement and that proper and sufficient laws should be enacted for it. We have violated that treaty. I say now that there are conditions existing in that area which are worse than any we could imagine



to exist had it remained a part of Mexico. The domination and offensive interference of this department or bureau of the Government could only be compared with the offensive interference and domination of a citizen by those in power in Mexico. It is something for the Nation to be ashamed of.

Will you keep it that way or turn it over to the States, in order that it may have the benefit of neighborhood consideration—home government? It pertains to the citizen of the State in his relation to the State as such citizen and not to his relation to any other jurisdiction.

I want homes. I would let the man select a home where he pleases. He can make but one selection. Senators lose sight of that fact. He can make only one selection, and he is pretty apt to see to it that he selects it according to his judgment. One man likes to occupy the forest; another the plains; another wants the benefits of living, running streams; another is content without them. I have known men to select their homes upon the arid plains from choice. I have known them from choice to select them far up in the fastness of the mountains. They did it in the exercise of a right guaranteed to them. We have been taking it away; we have been allowing some one to come along—some one unacquainted with the person or the circumstances or the capacity of the party interested—and lead him out and say: "You take that piece of land or none. I will withdraw your right of citizenship, unless you exercise it in accordance with my wishes or my judgment."

That is what we have to confront. The attempt—I will not say the attempt, the inclination of too many people to take charge of some other man and run him and control him in the exercise of his rights seems to be growing. The man who does it willfully is a coward. The man who enslaves another would himself be a slave if put in the hands of a stronger man.

The disposition to interfere with some other man's right of citizenship seems to be growing. There will be no individualism in this Government if we keep on. In public affairs the majority should rule and govern, but in personal affairs there is no minority or majority except in the balance of the mind of the individual; and you want to keep that distinction clear. The law should have nothing to do with the individual exercise of the individual rights. The law applies only when a man undertakes to violate it. Ninety people out of a hundred are not restrained by the law. They would do the same if there were no law on the subject. They would be just and fair and equitable in their dealings with each other in the absence of the law. It is only the smallest percentage of people who need the law for strength.

I am almost tempted to point that with existing conditions to-day, but I am afraid I would spread it out into a field that might be broader than the occasion would seem to warrant.

Mr. President, I do not know that the disposition of this body will prompt it seriously to consider a transfer of the jurisdiction of the public lands to the States, but I have sown seed which will light somewhere where it will find root and grow into the only condition that will solve this question.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HAYBURN].

Mr. BURNHAM. The amendment offered by the senior Senator from Idaho involves the proposition of general legislation upon appropriation bills. It has not been estimated for and has not received the consideration of any committee, and therefore I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. FALL. Mr. President, the discussion of this particular matter contained in the pending appropriation bill has ranged over a very wide field. I must say that I have been surprised at the position taken by some of the Senators upon the propositions which have been discussed. I can not understand, Mr. President, why, in the opinion of any Senator, a man who seeks to acquire a homestead, a home upon the public domain, should necessarily be convicted of theft or be considered a thief because some portion or all of such homesteads might be what is classed as timberland.

I admit I can not understand the proposition from that standpoint. You can undoubtedly obtain photographs of timberlands, of lands growing magnificent timber, upon which homesteaders have sought to acquire homesteads. But it seems to be the impression among some Senators that lands which grow timber are not fit for homesteads. It seems to be the impression among some of the Senators here that if a man undertakes to acquire a hundred and sixty acres of land upon the public domain under the laws of the United States, and some inspector of the Land Office can take a photograph of his proposed homestead entry and show that upon the homestead entry there is growing timber, that necessarily that man must be in the employ of some great corporation and that his object is not to make a home

for himself and his family, but that necessarily it must be to acquire the timber for the purpose of disposing of it to some malefactor of great wealth.

If that were true, I should like to know what would have been the condition of some of the greatest States in this Union to-day. The pioneer's first business in Illinois, Indiana, Kentucky, the great Middle West and the South has been to clear the timber from his land that he might grow crops upon it, and yet we are confronted here with the proposition to-day that if a man in the western country undertakes to acquire a homestead upon which there is growing timber, necessarily he must be branded as a thief.

Mr. President, we hear of thieves. We hear of the one man who, contrary to the law and the regulations, possibly, of the Interior Department, seeks to acquire 160 acres of timberland for the purpose, as is claimed, of turning it over to some great corporation. We have heard that, for instance, but I have heard no one here, except the Senators from Idaho, speak of the hundreds of thousands of citizens of this great Union of ours who are going down into the desert and trying to go into the mountain regions of the western country for the purpose of developing the country and making homesteads. Millions of homesteaders have taken up lands, and they have fought not only against all the local and natural difficulties, but fought also against the bureaucratic difficulties which Congress has placed in their way, because it is Congress which is to blame and not the executive department. These men who contend with all these things are never heard of except when it is claimed that one of them tries to acquire land for the purpose of selling its timber to some malefactor of great wealth. It is carried to such an extreme that I have known instances in my own State very recently where a man had a homestead, or at least a homestead entry, segregated from the public domain long prior to the Executive order constituting a forest reserve in that neighborhood, because on his 160 acres there happened to be 20 acres of as fine timber as can be shown in the photographs presented from the State of Oregon. Although he had segregated that land from the public domain by making a homestead entry upon it, the forest reserve having been thrown around his land, the officers of the service took forcible possession of it during his absence and said that he should not go into his own home or enter his own front gate.

I know it is hard for Senators to realize that things of this kind can happen in a free country. I know that it is almost impossible for the Senator from Mississippi to realize that such a report was made as was read here from a special agent of the Land Department with reference to an agricultural entry on a forest reserve. I know it is beyond reason, and that you Senators who do not come into actual contact with these conditions can not realize what we who are undertaking to develop the West have to contend with; not only, as I say, in overcoming the natural obstacles to settlement upon the public domain, but in undertaking to avoid the horde of special agents who hound us when we are undertaking to segregate 160 acres of land from the public domain.

I tell you, Senators, you have upon your statute books to-day a law allowing the head of a family to take 320 acres of desert land and to acquire title to it. I want to say to you that under the regulations thrown around that desert-land entry any man who undertakes to make a desert-land entry to-day in any State in this Union jeopardizes his liberty, and he is liable to be indicted, as hundreds and thousands of our people have been indicted, for attempting to steal the land from the United States Government, simply because they are compelled to comply with such restrictive regulations that it is impossible for them to do so. When they undertake to make final proof, a horde of special agents confront them in the land office—the land office established by the Government of the United States for the purpose of enabling the people to make homes, to segregate these public lands from the general public domain—and before these land offices appear special agents of the Interior Department, special attorneys general of the Department of Justice, and a horde of detectives to prove that this man has cultivated one-sixteenth or one-hundredth of a quarter of an acre of land less than he is supposed to have cultivated under the laws which you have passed presumably for his benefit.

I have advised client after client that he should not attempt to make a desert-land entry in the State of New Mexico because he laid himself liable to go to the penitentiary if he undertook it. He could not comply with the rules and regulations.

What would have been the condition of the great States of this Union—of Mississippi, for instance—if you had sought to throw around the public lands in Mississippi the same restriction that you have thrown around the timber lands in the Western States of the country?



I want to ask the Senator from Oregon if the forest-reserve law is good for his State, why the State does not acquire all the forest lands within its boundaries and retain them for future generations?

Mr. CHAMBERLAIN. I might answer that by saying that the lands that are not now in the forest reserves and which are in the Government of the United States have heretofore been covered up by railroad companies or timber syndicates.

Mr. FALL. And the Senator has in his possession now, as an exhibit to the remarks which I presume he will make, photographs of a little shack, photographs of log houses such as all our pioneers occupied, placed upon the forest reserves, and because there is standing timber shown in the photographs he would have us believe that those men are thieves who built the same character of log houses which our forefathers occupied in the development of all this great country.

I should like to know where my native State of Kentucky would have been. At least Abraham Lincoln would not have been born in the State of Kentucky if the present theory of certain Senators and of the Government had been carried out, because the great State of Kentucky would have been a forest reserve in itself, or at least that magnificent portion of it known as the blue-grass region of which all native Kentuckians are so proud. There would have been seven Senators who would have hailed from some other State than Kentucky occupying seats in this body to-day if the theories of the gentlemen who are advocating forest reserves and reservations of the public lands had been carried out.

What would have been the condition, as I asked awhile ago, of the native State of the Senator from Oregon, who, I believe, is a native of Mississippi? There they are asking to-day millions of dollars at the hands of this Government for the protection of their fields from the Mississippi floods, and they should have it. What are those fields? Hardwood timber covered every acre of it—timber more valuable than any tree or any acre or any hundreds or thousands of acres which ever grew in the State of Oregon or any other State west of the Rocky Mountains.

Our forefathers, our people for generations, have been cutting the forests and tilling the soil under the trees or where the trees grew. Millions and millions of dollars have they expended in extracting the stumps of the trees to make tillable fields and to make the ground productive, and to-day you are told that a man who undertakes to acquire a homestead under the public-land laws of the United States, if he seeks to acquire that homestead on land on which there is an acre of timber, he is presumably a thief and, if he does acquire it, should go to the penitentiary. That is the theory of these conservationists.

Mr. President, so far as I am concerned, if the Senator from Oregon or any other Senator here chooses to retain the forest reserves which have been established in his own State, let him do so. I think that it is contrary to our entire system of government; that this idea is entirely foreign to our system of government. Canada retains the old idea that the Crown minerals, the precious minerals, belong to the Crown and the Crown does not part with them when she gives to one of her citizens 160 acres or more of land. That idea is just as foreign to our institutions as is the proposition advanced by some of our representatives and which at least some of the gentlemen representing the so-called executive department of this Government are seeking to engraft upon our public-land law system.

The very difference, the distinction between our system and that of monarchical government, was that under monarchical forms of government the Crown minerals belonged to the Crown, and when they parted with the fee to the land they retained to themselves all the mineral known as precious minerals or Crown minerals—silver and gold, and in some places copper—iron, coal, and oil being excepted, the reservation being made, whether it was written in the contract or not, that the Crown owned the Crown minerals.

The United States Government, when it established public-land laws, provided that every citizen of the United States was a monarch; that the Crown minerals belonged to him as the uncrowned king of his 160 acres. But now we would have that entire system changed, and we would have the Crown minerals belong to the Department of the Interior or some one else and reserved.

I say to the Senator from Nevada that as one of the western Senators I am ready to get together for anything for the West, but we are so far apart that never could we shake hands upon a proposition to restrict the owner of his 160 acres, who has fought the natural enemies which he must overcome and has finally overcome even those enemies whom we have built up, whom we have pampered and fed. I will fight any proposition that does not give him the absolute, indefeasible fee to the land

and all that is above it and all that is under it, including the waters which may lie upon it and which he may use for its irrigation.

Sir, any other system is not only absolutely wrong, not only unrepugnant, but it is absolutely cruel, and to adopt some of the suggestions which have been offered here in the Senate will make of this great West a nation of tenant farmers.

Our whole Government has been built upon the theory, our whole public-land system until within the last few years has been built upon the theory, that every American citizen was a monarch; that he should have his 160 acres as a home for himself and his as long as he or they might live, and there should be no restriction upon the ownership of the land or upon the ownership of anything contained in the land or in the trees growing there or in the water existing thereon.

But another theory is advanced here in seriousness by Senators which to me is appalling. I can not conceive how any Senator understanding the working of our land laws, understanding the difficulties which our pioneers have to overcome now to acquire a home upon the public domain—I can not understand how any Senator or any official of this great Government would throw one obstacle in his way. I can not understand why a unanimous vote should not be cast here to give every man, woman, and child in the United States who will remove to one of those States 160 acres of land without requiring him to live upon it a day or a week or a month.

It seems to be the idea of some Senators that if you acquire 160 acres of the public domain you take it away. Where does it go? That land remains there. It is 160 acres of land, no longer of the public domain, but the property of some American citizen. It becomes taxable immediately. So long as it remains a portion of the public domain either in a forest reserve or whether a reserve at all, it produces no revenue, either to the United States Government or to the inhabitants of the States in which it is situated.

Mr. President, to discuss this conservation question, this reservation of public lands, from the practical standpoint of dollars and cents alone, if you pursue this policy which you have started out on; if you restrict the acquisition by the people of the public lands of homesteads in this western country of ours, I say to you as the representative of one of the most magnificent States in this great Union, with coal fields more extensive than those which exist in the entire State of Pennsylvania, with iron mines as extensive as can be found in the Old Range and the Mesabi Range—I say to you, pursue this policy a little further to its logical conclusion and you have admitted into this great Union of States a State which will necessarily come before Congress and ask you to appropriate for us the money with which to pay the salaries of our State officers and to conduct our courts. You leave us no taxable property. You have taken from New Mexico 10,000,000 acres out of 78,000,000 acres of the very best land, because timber does not grow where moisture does not fall. You have taken from New Mexico and the homesteaders of the United States 10,000,000 acres of the land which is best fitted for homes in the State of New Mexico. We, the people of New Mexico, build roads by which you may reach that land. We, the people of New Mexico, tax ourselves to establish public schools and to maintain them. We, the people of New Mexico, tax ourselves to support courts and to administer justice. Not one dollar does the United States give us of revenue from the forest reserves. Except 25 per cent of what we ourselves pay into the various reserves, we derive no benefit or income from the forest reserves.

Mr. HITCHCOCK. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. With pleasure.

Mr. HITCHCOCK. Will the Senator give the date when these 10,000,000 acres were, as he says, taken away from New Mexico or from the homesteaders?

Mr. FALL. Within the last 10 years.

Mr. HITCHCOCK. Will the Senator give the date?

Mr. FALL. They are still creating forest reserves; so I can not give any date. They have been at it for about 10 years, and they are still maintaining the practice.

Mr. HITCHCOCK. I assume, if it was taken away, the Senator must be able to state when it was taken away, and by whom.

Mr. FALL. I say within the last 10 years and by the executive department. I presume the Senator wants me to say by what President.

Mr. HITCHCOCK. The Senator might say that.

Mr. FALL. I can say to the Senator that a large portion of this public domain of ours was taken away under the Execu-



tive order of a man who I believe is one of the greatest men whom the United States has ever produced, Hon. Theodore Roosevelt.

Mr. HITCHCOCK. The Senator thinks he would be a desirable man to be elected again as President of the United States?

Mr. FALL. I think at least that he is a man to whom you can talk, and when you convince him or show him that a forest reserve should be withdrawn, I believe he will do it.

Mr. HITCHCOCK. Can the Senator state for what length of time those lands were open to settlement before there was that tragic taking away of those acres from homestead entry and settlement?

Mr. FALL. Some of them had been open for a great many years; but under the Cleveland administration of affairs, commencing about the year 1884, when most of the Americans began to go in there, they were bounded under the administration of the Interior Department during that administration, so that they were for years afraid to undertake to acquire 160 acres anywhere.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Will the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. Certainly.

Mr. CLARK of Wyoming. The Senator in his last statement has covered the ground I originally rose to call attention to. In my judgment this important matter is so far removed from year-to-year politics that it ought not to be considered in that connection.

It is known to every Senator on the floor that no matter what political party has been in power, this policy has been maintained. It is known to every man upon the floor that it was first inaugurated by a Democratic President under an act of Congress. It is known to everybody on the floor that it has been carried forward by the successors of that Democratic President under acts of Congress. What we are calling attention to is not that one political party or another has done wrong, but we are calling attention to the intolerable condition that exists with the hope that the Congress of the United States will at least rise out of the current of political consideration and give some attention to the welfare of the country.

Mr. FALL. I thank the Senator from Wyoming. Senators will acquit me of having attempted to interject politics into this discussion or of having referred to politics or to any President of the United States of my own motion.

Mr. CHAMBERLAIN. Mr. President—

The VICE PRESIDENT. Will the Senator yield to the Senator from Oregon?

Mr. FALL. With pleasure.

Mr. CHAMBERLAIN. I merely wanted to suggest, in reply to the Senator from Wyoming, that the Forestry Service was not created, I think, until after 1900, and that is the system, I believe, which is being so severely criticized.

Mr. CLARK of Wyoming. The first forest reserves that were made were made under President Cleveland.

Mr. CHAMBERLAIN. I am speaking of the creation of forest rangers and the forestry system as it is now.

Mr. CLARK of Wyoming. Of course, having made a forest reserve, somebody had to be employed to care for it.

Mr. FALL. If gentlemen want a political discussion, if they think there is anything to be made out of it, I want to say to them that I was in New Mexico during the Cleveland administration and that I could tell you some things of the administration of the land laws under that administration which would appall you. I can tell you things that occurred there then under that administration worse than anything which we have had since. If the Senate wants to listen to a discussion of matters of that kind, I can give it.

Mr. HITCHCOCK. Of course, the Senator realizes that Grover Cleveland will never again be President of the United States.

Mr. FALL. Some other gentleman will be elected.

Mr. HITCHCOCK. Possibly the Senator from New Mexico will be able to reconcile his great admiration for the ex-President, Theodore Roosevelt, with his strong criticism of probably his strongest and most dominant policy.

Mr. CHAMBERLAIN. Mr. President—

Mr. FALL. I do not—

Mr. CHAMBERLAIN. Will the Senator allow me just a moment? I do not want to be understood as criticizing Mr. Cleveland or anybody else for the creation of these reserves. I approve them. But while the conditions were so bad in New Mexico at the time the Senator suggests, I believe he was a part of the Cleveland administration.

Mr. FALL. During the second administration of Mr. Cleveland I was appointed on the bench of New Mexico. If the

Senator wants personalities interjected into the debate, I will state that, without my asking for the appointment but upon the request of certain citizens of New Mexico, Mr. Cleveland did appoint me, without my knowledge, and I resigned just as soon as I could get out of it.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arizona?

Mr. FALL. With pleasure.

Mr. ASHURST. The distinguished Senator from Wyoming [Mr. CLARK] stated that President Cleveland was the first President to inaugurate forest reserves. I desire to state that under the administration of President Harrison the law was enacted providing that the President could create forest reserves, and I desire to read a part of that act. It is the act of Congress approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes." Under section 24 of that act, reserves were created by President Harrison. Among the last things that President Harrison did in his term of office was to create a forest reserve. It was done under section 24 of that act, which reads:

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth whether of commercial value or not, as public reservations, and the President shall by public proclamation declare the establishment of such reservations and the limits thereof.

Mr. CLARK of Wyoming. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Wyoming?

Mr. FALL. I do.

Mr. CLARK of Wyoming. The Senator from Arizona is not telling the Senator from Wyoming anything new. The Senator from Wyoming is very well aware of the time when the act was passed. The Senator from Wyoming is also aware that forest reserves were created under that law. He is further aware of the fact—which, perhaps, the Senator from Arizona is not aware of—that they were created under certain definite rules and regulations of the Interior Department, which provided that before a forest reserve should be declared the people should have an opportunity to be heard as to whether there should be a forest reserve created or not. Those rules provided that there should be publication made that such a reserve was contemplated. I remember perfectly well when that policy was first departed from, when millions and millions of acres were reserved. I want to say, however, before I refer to that, that Congress went so far as to provide a fund by which the President could investigate and send a commission over the Western States, finding proper places for forest reserves, and that that commission came back and made its report to the President.

The first that we knew of the wholesale creation of reserves was when we had read or discussed in the Senate the proclamation creating reserves upon which the commission themselves had confessedly never been, where they confessed themselves that they did not know whether there was timber on the proposed reservation or not. That was under the Secretary of the Interior in Grover Cleveland's administration.

I regret to say that that policy has been substantially pursued ever since. No attention whatever has been paid from time to time to the character of the land included in the forest reserves, and it does not make any difference whether it has been a Republican administration or a Democratic administration; the policy has been to create the reserves. That is what some of us are complaining of; and, my Democratic friends, it makes no difference whether you are wronged under a Republican or a Democratic administration; it makes no difference to me whether I am wronged under a Republican or a Democratic administration; I want, if possible, to have that wrong corrected, and it makes no difference to me whether it is corrected under a Republican or a Democratic administration. It is something that means life or death to the country. It is a matter that rises above the personality of any man. It is a matter that rises above the politics of any man.

I beseech Senators to deal with these questions as you would deal with your own hearthstones, because you are really dealing with ours. I beseech you not to pay attention to any political differences in this matter, but to consider what you would do for your own homes. That is what we are considering. Lay aside all idea as to the administration under which it was done. It makes no difference under what administration these wrongs were carried on; the only thing for me is to right them when I have the opportunity, with malice toward none, but with the earnest desire to make possible every man's right and to make possible a home for every man.



The VICE PRESIDENT. The Senator from New Mexico will proceed.

Mr. FALL. The Senator from Nebraska doubtless reserves to himself exactly what I reserve to myself. He may admire a man, and whatever he may think of the man politically he may not always agree with him. What I am here to say and to do on every occasion is under my convictions, and it makes no difference to me who is President of the United States or entertains convictions to the contrary. So I may admire a man as a great man, and I may not approve of some of his measures, some of his theories or ideas, and when I do not approve them, as a Senator in this body or as a private citizen out of these Halls I reserve the right to criticize him and to disagree with him.

Mr. President, as I said a while ago, if the Senators from Oregon and Nebraska care to have forest reserves created or maintained in their States, except as a citizen of the United States that is a matter of indifference to me. If they choose to maintain or to advocate or support the present policy, if they choose to turn their public domain into a grazing field to be parceled out by the Government, if they choose to deal with this bureaucratic Government which we have now for the next 15, 20, 40, or 100 years, in so far as we in New Mexico are concerned at least, it is their privilege. This is a great free government of States. But so far as New Mexico is concerned, I speak for New Mexico, Mr. President, irrespective of the politics of its citizens. I am going to speak directly to New Mexico and of New Mexico.

The Senator from Iowa asked a very pertinent question yesterday, why we did not offer some concrete suggestion; why we did not offer to the Senate of the United States something upon which they might act in granting us relief from the evils of which we complain. I will say to the Senator that I have only been here a short time, and it is very contrary to my own desire that I should be now attempting to address this body. I say to the Senator that I will offer at the proper time something which I consider should be adopted, something which will give us relief from the conditions under which we are now suffering. But at the present time, Mr. President, anything which we may offer in the nature of relief will very possibly meet with the fate of the amendment offered by the Senator from Idaho. It will go down under a point of order, as it may be called legislation. I shall offer an amendment to the present bill couched in such terms and, as I believe, so fair and just that no Senator here will raise the point of order against it. At least I hope that he will not. I propose to offer an amendment to this bill that in so far as the forest reserves in New Mexico are concerned the title may still remain in the United States, that they may still remain under the laws of the United States and under the rules and regulations of the Department of Agriculture, but I will ask the Senate to say that the administration of those forest reserves in New Mexico, at least, shall be placed in the hands of the State authorities, to be administered under the laws of the United States and the rules and regulations of the department, and under the authority of the Secretary of Agriculture, exactly as they are administered to-day.

Mr. SMITH of Arizona. If the Senator will allow me, Mr. President, what provision does he make for the expenses of the administration by the State?

Mr. FALL. That we will pay every dollar of the expenses and we will not come here before you asking you to appropriate one cent, and that we will administer those forest reserves under the laws of the United States, under the rules and regulations of the Department of Agriculture.

Mr. SMITH of Arizona. Can the Senator tell me how much the United States Government pays now from the Federal Treasury in support of the forest reserves in his State?

Mr. FALL. I have the figures here and I will read them in a few moments; but the Federal Government during the last three years has paid approximately \$300,000 for the support of the forest reserves in New Mexico, and the people of New Mexico have paid \$300,000 in addition for the maintenance of those forest reserves. We will take them for the income which we may get from them and administer them without one dollar of cost to the Government of the United States, and administer them under exactly the same rules and regulations which govern the administration of the forest reserves in every other State in the Union.

Mr. SMITH of Arizona. I presume the Senator would reserve to the State what the Government now takes?

Mr. FALL. Yes.

Mr. SMITH of Arizona. In other words, in the administration of your forest reserves you would take the contract as a State to administer a forest reserve just as it is now administered and it would cost the General Government nothing?

Mr. FALL. That is exactly covered in the proposed amendment which I shall offer.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. FALL. I do.

Mr. NEWLANDS. May I ask the Senator from what sources he would expect to obtain revenue?

Mr. FALL. I will show the Senator the figures and the facts, and I will convince the Senator, I think, absolutely that we can derive under the present laws an income more than double that which is derived now and administer the forest reserves to the satisfaction of the people of New Mexico and of the United States.

Mr. President, before reaching that part of my subject, I want simply to call the attention of Senators to the fact that laws which are passed for this great Union as a whole sometimes are not applicable to a certain subdivision of the Union. Homestead laws which are applicable to the people or to the lands of the great Middle West and of the South and even as far west as the great Rocky Mountain region and the State of Idaho are not applicable either in the State which I represent or which is represented by the Senator from Arizona.

Mr. SMITH of Georgia. They are not suitable.

Mr. FALL. They are not suitable, as suggested by the Senator from Georgia. These matters are lost sight of sometimes, Mr. President, in the deliberations of this body and of the other House of Congress, and they are certainly almost invariably lost sight of in the administration of the laws by the bureau which now governs the people of the United States in these matters.

Mr. President, New Mexico had her own laws, her own civilization, dealt with her own conditions, knew what they were and met them as they arose, long before the Pilgrims landed on Plymouth Rock. We have the oldest civilization in this great Union in the State of New Mexico. We have under the old Spanish laws the most wonderful system of communal government ever built up. The great Rio Grande, rising in Colorado and seeking its way to the Gulf, cuts New Mexico in half from north to south, and along every mile of that great river grants were made to the people who would go in there and colonize. There were communal grants under the system of government established by Spain, and I say it was the most beneficent system of government ever established on this continent. Those grants were made to actual settlers, not to one individual, not to some speculator who might colonize them, but they were made to actual settlers, who might go there and open and carve out of them homes.

Under the system of those grants the agricultural lands susceptible of irrigation were allotted in severalty by commissioners appointed by the granting power. As to other lands, the grants were always made large enough to take in more than the agricultural allotments. The other lands lying within the boundaries of those grants were divided into grazing lands and into timberlands. Under the system devised by these old Spaniards every man upon one of these grants owned in his own right in fee simple his little plot of agricultural land. Altogether, as a community, they owned an irrigation system which they took out of the rivers. Together, as a community, they owned the grazing privileges upon those lands extending beyond the confines of the particular allotments. As a community they owned the timberlands, from which they could get the necessary firewood and building material.

Now, came the great Government of the United States a few years since, after having recognized all these grants by solemn treaty, and established a court of private land claims for the adjudication of titles. Under technicalities of the law every one of those communal grants was cut absolutely down to an agricultural allotment in severalty. The grazing lands, which those people and their ancestors had used for 300 years, were taken away from them. The timberland, from which they obtained their fuel and their building material, was taken away from them.

What was done? The executive department of this great Government immediately threw forest reserves around those little allotments, and to-day if a descendant of one of those people who lived there 300 years ago desires to get firewood, to pick up limbs from the ground, fallen and dead timber, he must go sometimes 60 miles to some little fellow sent out from this great Federal Government of ours at Washington and seek from him a permit to pay a minimum of 60 cents a load for that fallen and dead timber and limbs fallen from the trees.

Senators talk about the German system. Mr. President, under the forestry system in Germany the peasants—and there are peasants there and we certainly hope that we will not have



a peasantry system here—the peasants go upon those forests and pick up the leaves from the ground for the purpose of making fire with which to cook their food. Every little twig as large as a finger is removed from the ground under the peasantry system in Germany, where they have the great magnificent forest reserves of which we have heard so much.

And here when an American citizen undertakes to take a stick of wood fallen from a tree he is fined and in some instances prosecuted in the United States courts. To-day the descendants of the people who came across the country in 1541 can not go away from their little homes without crossing an Indian reservation or a forest reserve, and when they strike the line of that Indian reservation or that forest reserve they are met by some hanger-on of one of these Washington bureaus who charges them for the water which they themselves drink, the water which their horses drink, the water which their sheep and their cattle drink in crossing over these lines, and then they charge them for the grass which the stock will eat in going to their ranges, either upon the public domain or upon the private lands belonging to the stock owners.

Mr. CHAMBERLAIN. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. With pleasure.

Mr. CHAMBERLAIN. Is it not true that the policy of the Forestry Service was to make a right of way through there, a confined right of way to drive cattle and sheep over to water, and that the cattlemen and sheepmen preferred to pay something to do away with that restricted right of way, so that they could graze their sheep and cattle to and from the water?

Mr. FALL. In New Mexico that is absolutely incorrect. I have here a letter from one of the very descendants of the men of whom I have been speaking, one of the prominent men of that State, in which he is complaining of the very fact that, while we tax ourselves to build the roads up to the lines of the forest reserves, those in charge of the forest reserves and of the Indian reserves will not build roads across their boundaries and will not let us do it; they will not let us tax ourselves to build the roads that they use, as I will read to satisfy the Senator. This refers partly to an Indian reservation:

We have got to go out of business unless we can have the Indian reservation reduced to its former size—

He is writing me with reference to a particular Indian reserve, but he refers also to forest reserves—

which, to say the least about its extension, is an outrage to the stockmen of this county; we wish you to take up this matter at your convenience and investigate what can be done to remedy this evil; also if it is going to take a good deal of time to secure the cancellation of the order extending this Indian reservation, we would welcome at least the roadway proposition.

Somebody should build a road across these reserve lands, he goes on—it may be of some interest to the Senate to have me read a little further—to say:

The Indian Office has a gang of employees there watching the sheep herders, bulldozing them, and annoying them with their foolish rules and regulations, charging them exorbitant fees for crossing permits, and in every way making life miserable for the sheep men. There is an idea prevalent amongst these employees of the Government, prevalent almost in all the departments having anything to do with the public lands—Bureau of Forestry and Indian Department—that they must prejudice themselves first against the sheep and the owners thereof. Predatory animals, according to their notions, are not a circumstance when it comes to sheep.

These are the facts, Senators. The conservation of the natural resources of New Mexico means a restriction upon the individual; means that he must not acquire a homestead in the most habitable portion of the State; and means that upon such forest reserves and Indian reserves the gentle bear, the mountain lion, and the timber wolf are conserved, so that they may attack his herds, his cattle, and his sheep. That is conservation in New Mexico.

I was speaking, Mr. President, of the conditions relating to New Mexico particularly. I want to say a little something further about the geographical conditions. I said yesterday, while interrupting the Senator from Idaho, that timber in New Mexico grows not below an altitude of 6,000 feet. That is true. Merchantable timber, pine and other timber fit for use in commerce, fit for preservation for the future generations, of whom we so anxiously speak—timber of that character grows above 6,000 feet. I do not know what are the climatic conditions in Oregon; I am not undertaking to speak for Oregon; but I can say to Senators here that, in so far as New Mexico is concerned, the only land in the entire State of New Mexico which is fit for habitation—upon which a man can make a home without irrigating from water brought from the mountains or from the streams or dug out of the earth—is land above an elevation of 6,000 feet.

Where timber grows, moisture falls; where moisture falls, you can raise crops; where timber does not grow, it is because

of the lack of moisture; and where timber does not grow crops will not grow, except through the aid of artificial irrigation. Those are the conditions that we have there.

I am not intending, Mr. President, to undertake to cover this whole public-land question; I am not going to undertake now to offer any solution of the difficulties which we are meeting every day, but I am referring to conditions as they exist in New Mexico. I am not going to ask you even to change the laws with reference to the administration of the forest reserves of New Mexico; I am simply going to ask you, as an act of justice, to give those forest reserves to the charge of the people who know what a forest reserve is.

I am going to impose upon the patience of Senators for a few moments to show what has been done with reference to the administration of forest reserves in the State of New Mexico. I have the figures here for the last three years; I can tell you what it has cost; I will show you what revenue we have derived; and you can see what you have been compelled to appropriate. Then I shall make the proposition, as I have suggested to you, that we will take these forest reserves, administer them under the same laws and the same rules and regulations, and before I get through I will convince you that we can not only do it, but that we can make good money out of it and not call upon you for a cent.

During the three years from about June, 1909, up to and including 1911, the New Mexico national forests produced a gross revenue of \$360,213.09; from timber sales a total of \$92,510.70; from timber settlements—where some man had inadvertently cut a tree, having crossed over the line—\$157; timber trespass—where he had gone over and cut under a sawmill project—\$3,000. You talk about this being a grazing country or a forest country, and yet while there was derived from timber sales \$92,510.70, there was derived from grazing fees \$253,556—this is a forest reserve—and for grazing trespass \$3,000. But Senators know where the money goes; where the money that you are asked under this bill to appropriate for New Mexico goes.

This [exhibiting] is the column of expenditures. Salaries during the same time were \$379,557; travel, \$32,564; rent, \$38,114; telephone construction, and so forth, \$18,056; corral fences, \$10,176.

Forest planting. Here is the great object of conservation. In the administration of a forest reserve you are supposed to take from that forest reserve only the dead or dying timber or the mature timber, leaving for future generations the natural growth of the timber as it comes, and for every tree which you take off you are supposed to put a tree back. What is the object of these forest reserves? For what purpose are they set aside? To maintain the natural growth of the timber as a method of obtaining revenue? You sell from the forest reserves the fallen timber, the wind-shaken timber, the mature timber, and you are supposed to replant, and where trees do not naturally grow to make them grow.

What else are we paying this money into the national forest-reserve fund for? For what other purpose are we paying in \$360,000—the citizens of New Mexico, not the citizens of the United States generally? You are paying \$300,000, but we ourselves are paying \$360,000. For what purpose? Show us that they are making trees grow where no trees grew before, and we will pay the money cheerfully; we will tax ourselves to do it to protect our children as we have been taxing ourselves without any assistance from the United States Government for over 60 years since we came into the Union.

How much have they expended out of the total expenditure directly? Five hundred and ninety-eight thousand and thirty-five dollars and twenty-one cents—\$598,335.00 paid in by the citizens of New Mexico. They have expended during all the time they have had charge of these forest reserves a total of \$22,000 for reforestation—tree planting. They have expended a grand total in New Mexico of \$22,000; and we, the citizens of New Mexico, ourselves have paid that \$360,000, and the Congress of the United States have contributed to their salary list \$300,000 more. They have actually spent \$22,000, and they have actually grown, so they claim, 34 acres of trees!

This is a magnificent business enterprise. If you are not running this Forest Service as a business enterprise for the present and future generations, I ask you What is the purpose of the forest-reserve law? Why do you reserve these forests?

I say to you—and I know that I shall be criticized for giving utterance to such sentiments—I say to you, Senators, that better it were for New Mexico if every acre of this 10,000,000 acres of land in New Mexico had been stolen by some "malefactor of great wealth" than that they should remain in the condition in which they are at the present time, simply as a source of revenue for a lot of little clerks from a bureau in Washington. I say to you that if they were stolen, they could



not be removed; that if the timber were cut from them, it must be put to some use; that railroads would be built; that wagon roads would be built; that sawmills would be put up; that men would be employed; and little thrifty cities would grow up all over New Mexico, if we could use our forests. Under the present condition they are simply used, as I say, as a source of revenue, purely and simply to pay clerks, and a lot of incompetent clerks; men who never saw a pine tree grow outside of a lawn; men who never saw anything in the nature of grass grow except that which has been planted around your statues here in your public squares in Washington; men who never saw a cow except in a picture book; men who regard, as my New Mexican friend says, a sheep as a predatory animal; and such men are sent out there to administer for us this great domain.

Senators, I do not believe that, understanding these conditions, the Congress of the United States will perpetuate such a system of government.

Where do the streams rise from which come the life-giving waters of which the Senator from Nevada is always ready to speak? They rise in the mountains, where the moisture falls, where the snow falls, where the timber grows. These are the sources of our streams, and we are not objecting to such conservation as will prevent the denuding of those mountains of their timber. Thence these streams have their source.

Some of you do not know the conditions existing in the West; but I will say to you now that we have streams, bold, pure, and with a volume of water sufficient to irrigate hundreds of, and in some instances, thousands of acres of land, which, when they leave the foothills of the mountains, sink into the desert sand and are never seen again.

Some of you do not know that the southern portion of New Mexico and of Arizona is a great basin country, the last part of the American Continent to appear above the waters of the sea, the Continental Divide running through it, although it is the lowest part of the continent, and streams rising in Mexico flowing north almost to the American boundary and sinking in the sand, and streams rising in New Mexico, close even to the Rio Grande, which empties into the Gulf, flowing directly south toward the streams which are flowing from the north in Mexico and sinking into the sand.

Take the rivulet or the little stream of water by the use of which a homesteader could cultivate 40, 100, 200, or 300 acres, in connection with other homesteaders, rising in the mountains, in the forest reserves, flowing down the canyon, and instead of being used it sinks in the sand. Why? Because under the administration of the Forest Service the forest reserves have been invariably thrown around the foot of the mountains until they took in every drop of the living waters. At these places no trees grow; the boundaries may be 5, 8, 10, or 50 miles from a tree, but these gentlemen, with an eye to the main chance, knowing whence their salaries must come, anxious not to call upon Congress for too much money, have taken \$253,000 in the last three years from the people of New Mexico for grazing permits, simply because otherwise the people of New Mexico could not get water for their stock. I say to you, Senators, now that not one-third of the revenue derived from forest reserves in New Mexico came from the timbered lands themselves. Without fear of contradiction, I can assure you that two-thirds of this \$253,000 came entirely from lands which never had a stick of timber larger than your wrist growing upon them, and which never will have. The people are excluded; they can not take up a little homestead; they can not utilize these waters, because, although you call yourself a free citizen of the United States, you can not go upon a forest reserve, dig a ditch, and utilize the water which is sinking in the sand and not being used by anyone. Why? Because some representative of this bureaucratic Government will stop you when you cross the line and do as he did to another New Mexican friend of mine, not only collect from him \$13 damages for trespassing, but then write a letter to this great bureau in Washington, have the case turned over to the United States Attorney General, and a criminal action brought against him for trespass where they said he had done \$13 worth of damage.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Nevada?

Mr. FALL. I yield.

Mr. NEWLANDS. I should like to ask the Senator whether the springs and small streams to which he refers are withdrawn as a part of the forest reservations or under an Executive order recently issued?

Mr. FALL. They are withdrawn under the forest regulations.

Mr. NEWLANDS. I find in the San Francisco Journal of Commerce of May 6, 1912, if the Senator will permit me, a

statement which I should like to read, and perhaps he can explain it. It is as follows:

#### GOVERNMENT COMES TO RELIEF OF THE SMALL STOCK RAISERS.

Withdrawal of public lands for use rather than from use is the latest piece of practical conservation. The President, by Executive order, under the withdrawal law has withdrawn from entry many tracts of unappropriated public lands which contain springs or small streams. These watering places control the public range over large areas in Utah and Wyoming, and the withdrawal of these lands will in no wise interfere with the use of the springs or streams, but will, in fact, insure the possibility of public use. Control of watering places by strong private interests and the resultant monopolization of grazing on the public domain are believed to be prejudicial to public interest, and the President regards the setting aside of these watering places for public use as serving a distinct and beneficial public purpose, in harmony not only with the letter but with the spirit of the act of 1910.

The three withdrawals already approved by the President represent an aggregate area of about 80,000 acres in six counties in Utah and Wyoming, and include tracts of public land known from the records of the United States Geological Survey and the General Land Office to contain 248 springs and streams.

It is well known that in the Rocky Mountain and Pacific Coast States there are many large areas of excellent grazing land in which the number of places where water for man or beast can be obtained is relatively small. Sometimes the shortest distance between "water holes" is 10, 20, or even 50 miles. Some of these watering places are springs, some of them ponds of alkaline water, some of them small streams flowing down from adjacent hills or mountains and becoming lost on the edge of the desert. The lands in large part support a growth of grass and small brush which is excellent fodder for horses, cattle, or sheep, and as practically all these areas are Government land they are "free range" for whoever may care to graze his stock thereon. However, stock can not live without water, and unless watering places are available to a stock owner it is impossible for him to utilize the range.

As a result of these conditions it has come to be common practice in some parts of the West for a big cattle or sheep outfit to obtain possession of the few scattered water holes in a certain area and by this means to monopolize the grazing privilege almost as effectively as if it actually owned every acre of the area. In consequence the small stock owner has been placed at a serious disadvantage and in many localities has been forced out of business.

This practical development of the conservation policy in order to prevent monopolization of the public grazing lands will not only insure equal opportunity under present conditions, but it prepares the way for future legislation. Should Congress at any future time decide to pass a grazing law the retention of these watering places in public ownership will make the enactment of a satisfactory law possible; whereas if the water should pass into private hands the framing of a law providing for the control of grazing on the public domain would be useless, because the law itself would be inoperative.

The present action will really be beneficial to both large and small stock growers, although it will doubtless not be pleasing to those who desire to exclude rivals from the range by acquiring the watering places themselves. The competition and struggle for existence have in many places, however, grown so keen that even to the largest outfits the strife has become burdensome, and to some of them, at least, the removal of one of the causes of contention by the reservation of the springs and streams for the common use of all will be a decided relief. To the small stockman who has been fighting for existence and who has seen his grazing area diminish year by year as he has been barred from this spring or from that stream it will be welcome news that the Government has taken steps that will at least make the competition fairer.

This clipping was handed to me in connection with some discussion of this matter that arose yesterday with the Senator from Arizona [Mr. SMITH], who complained of the withdrawal of these watering places.

Mr. FALL. Answering the Senator as an Irishman would, I will ask him if he can tell me of any one instance in all his experience where anything, water, land, or timber was withdrawn from the public domain, segregated, and put in charge of the representatives of one of your governmental bureaus, that the people were ever able to use it without such restrictions as to render its use practically impossible.

Mr. NEWLANDS. All that I can say to the Senator is that I know of nothing to the contrary; but I can not say that I have had a very wide observation.

Mr. FALL. I am speaking, Mr. President, with due respect, from a personal, physical knowledge of the conditions and the country of which I am talking, gained from 30 years of experience, living with it, punching cattle over it, making homesteads on it, cultivating it, building ditches, cutting timber, trying to get railroads to go in, building them there at a cost of millions of dollars, and then having them stopped, having little towns which had been built up, some of them as beautiful towns as were ever built anywhere in any State of this Union, cut off and absolutely destroyed, because of the action of some representative of the Interior Department of the United States or of the Judiciary Department of the United States in bringing injunction suits and stopping those works, as they have been stopped from one end of New Mexico to the other. That has been my experience with this bureaucratic form of government. Never will it be extended one inch beyond what it is now, so long as my vote can prevent.

Mr. President, I have never heard of any such order as the one to which the Senator from Nevada has just referred. We know nothing about those orders; but we do know that the waters upon our public domain around the edges of the forest reserves and in the forest reserves have been withdrawn for



the purpose of paying an income through which Forestry Service employees might draw their salaries. Those are the conditions. We are familiar with them, and if the Senate will listen to me for a few moments I can tell you more about them. I am speaking of my personal knowledge. I have a spring adjoining my ranch in New Mexico, situated on the edge of the Sacramento Mountains, 1 mile east of the Mescalero Indian Reserve. A spring in that section is quite well known all over the country, because you make your day's journey, or did in the old days, from spring to spring.

This is one of the best-known watering places in New Mexico. It has been used and occupied by passers-by, cattlemen, sheepmen, and mining prospectors, particularly by mining prospectors, for 40 years; it has been patented for 27 years by the United States Government; but a few years ago this great, munificent Government of ours created a forest reserve south of the Mescalero Indian Reserve and included a strip 20 miles long from north to south on the west of the Mescalero Indian Reserve ranging from a quarter of a mile wide to three-quarters of a mile wide at the widest place. That strip took in every spring, every drop of water for that 20 miles, although every drop of it—every spring—was covered by patented lands belonging to citizens of the United States. There was not a stick of timber growing upon this land, and no attempt even was made to say that it could ever be grown there; there was no forest on it; and it was not adjoining a forest, but was merely a little tongue of land running along by the Indian reserve. It was included in the reserve simply for the purpose of taking in the springs and making the owners of those springs pay tribute to the Forestry Bureau of the great United States Government, for no good purpose, except for the great end of paying salaries. There is not enough ground in this little strip to graze stock upon; nobody pretends to graze stock upon this little strip of ground; but adjoining it there is a public domain embracing thirty, forty, or fifty thousand acres, which you gave to the Territory of New Mexico under the provision that they might lease it. It has been leased, and the lessees of that ground have been using the springs to which I have referred for watering their stock; but through the creation of a so-called forest reserve their stock was cut off. For what purpose? In order that they might be compelled to take out for grazing their stock upon this quarter of a mile of land an annual permit of 35 cents a head for a cow walking over that ground and 10 cents a head for the sheep—not really for grazing them, for the cattle do not go upon this forest-reserve strip except in going backward and forward from their usual grazing grounds to get water. That is a specimen of the administration of the forest reserves of New Mexico.

Mr. President, I am not going to continue this statement much further. I want to say that the Mescalero Apache Indian Reserve, of which I speak, adjoins on the north the Alamo Forest Reserve, both in my county in New Mexico. The forest on the Alamo Reserve, situated in this county, is about the same in extent as the Indian reserve.

Now, let us see how the two reserves are administered in so far as grazing is concerned, and I call your attention to this because I want to show you that I know what I am talking about when I say that New Mexico can take her forest reserves and make them pay a great income to her schools, to her courts, and for building roads, and yet not charge the Government of the United States one cent, and administer these forest reserves under the laws which you have passed and under the regulations which have been promulgated by the Secretary of Agriculture.

Four hundred and eighty thousand acres are contained in this Mescalero Reservation, and the Indians on that reservation have over 11,000 sheep, which they graze, belonging to themselves. They have, I will say, about 8,000 head of cattle. They have something like the same number of horses. All of the stock has free grazing.

Now, to take care of this stock, to see that the Indians, who are scarcely capable of handling their own business, have their business handled for them in a businesslike way, there is a stockman appointed and two Indians as his assistants, the Indians working for six months in the year. They are paid \$480 a piece. The stockman is paid \$1,000, and he looks after all of this Indian stock. He sees that under the laws of the United States and of New Mexico the sheep are dipped at least once a year, that they may enjoy health. He sees that the wool clip of the sheep is sold to the best possible advantage of the Indians. He sees that the lambs are sold to their best possible advantage. He and his assistants perform all this duty. Then the lands not used by the Mescalero Indians are rented or leased to citizens desiring them for grazing purposes.

The total cost of the grazing crew upon the Indian reserve is less than \$1,500 per year, handling all their own stock and

clearing \$8,000 revenue from the present permits issued to other people. In other words, they derive an income of \$6,500 net over and above all expenses from grazing permits issued to outsiders, after allowing the Indians an opportunity to graze free.

What is done on the Alamo Reserve? You are asked here not only to give them all they get, but you are asked to appropriate \$6,500 per year for running that reserve; and I happen to know, although not from the report here, that the income from the entire Alamo Reserve is less than \$2,500, while you are appropriating \$6,500 for it.

Why is this? It is something they do not know. They could not tell you. I defy any Senator here to go to an agent on any forest reserve in Mexico—the Alamo or anywhere else—and get from him any information as to why this is. He does not know. He is ignorant about it. They grant simply permits, not leases. The consequence is that they will put 20 men with little herds of sheep or cattle all upon the same ground, all fighting over the same spring, all quarreling about water, all quarreling about the division of the range, throwing the sheep at large upon the range. They do not know what every cattleman knows and what every sheepman knows, that when you have a range fenced and divided into pastures the same range will run nearly four times as many as if it is an open range.

On the Indian reserve they have the range divided into pastures. They can pay more for grazing permits upon the Indian reserve because it is divided into pastures, and they can run two or three or four times as many sheep as upon the same number of acres just across the line where it is open.

So you will see that one reserve is administered with a proper conception of the question, and the other is administered for the purpose of paying salaries to a lot of 2 by 4 clerks.

Mr. NEWLANDS. May I ask what is the relative size of these two reserves?

Mr. FALL. I thought I stated that in my opening. The Alamo Forest Reserve is composed of two sections. That section of the Alamo Forest Reserve upon which sheep permits are issued is about the same area as the Indian reserve to which I have referred.

Then there is another forest reserve down on the Texas line which used to be known as the Guadalupe Reserve, but has lately been changed to Alamo, and it is administered from Albuquerque, the district office, by the same parties who administer the Alamo Reserve, and those parties are paid by the Congress out of the appropriation made, and I defy you or anyone else to find out how much they are paid.

Mr. NEWLANDS. Then I understand the Senator to contend that the Indian Service is conducted with much greater economy than the Forestry Service.

Mr. FALL. Yes, sir. I want to say that the Indian Service in that particular locality, in the Mescalero Indian Reserve, under the administration of Capt. Carroll, has been most successful from every standpoint.

Mr. NEWLANDS. Let me ask the Senator this: I believe he states that the administration of the Indian reserve is different from that of the forest reserve; that in the latter permits only are granted, and that the grazing area is covered by a number of proprietors of herds.

Mr. FALL. Without any system.

Mr. NEWLANDS. On the contrary, the Indian reserve is left to one interest.

Mr. FALL. Oh, no; to various interests.

Mr. NEWLANDS. But each interest is segregated in its holdings.

Mr. FALL. Yes.

Mr. NEWLANDS. Why should not that system be pursued by the Forestry Service?

Mr. FALL. That is just exactly what I have been complaining of, and what I am complaining of now—the administration of the forest reserves—because you send men from Washington to administer our forest reserves who do not know a cow when they see one and think a sheep a predatory animal.

Mr. NEWLANDS. The difference in the cost of the two systems does not arise from a disposition, perhaps a mistaken one from the official point of view, to give the small raisers, the owners of small herds, an equal opportunity to graze their stock?

Mr. FALL. Did you intend to use that word "equal"? Did you ever see the Use Book? It does not use the word "equal."

Mr. NEWLANDS. I do not know, I am sure.

Mr. FALL. The Use Book, adopted by the department for the administration of the Forestry Service, says that the little man shall have the preference right, not an equal right. It does not make any difference how long the other man has been there and whether he owns the water or does not, the little man shall have the preference.



Mr. NEWLANDS. I will ask whether that system of preferring the little man does not necessarily result in a more expensive administration of the range?

Mr. FALL. Not if it were properly carried out. If these corrals and fences on which they have expended something over \$10,000 were for the purpose of protecting the range or getting a better income, it would not result in the expenditure of another dollar. But all these improvements are made for the benefit of the Government employees and not for the benefit of the Forest Service. Every corral is a fence for their saddle horses, and every improvement is for themselves individually.

Mr. SMITH of Arizona. The Senator speaks of better service in the immediate proximity between the Indians' side of this reserve and the forest-reserve side.

Mr. FALL. I am not saying much in favor of the Indians' side, either, I want the Senator to understand.

Mr. SMITH of Arizona. I was about to ask if that is not an exceptional case, and whether it is not due to an exceptional agent.

Mr. FALL. It is the result of having a man of common sense, who has studied the conditions and who in the employment of his men has employed practical cow and stock men instead of having a \$60-a-month clerk from Washington to tell us how to run our range.

Mr. CRAWFORD. I want to find out whether I have the correct idea of this 35 cents a head. Do I understand the Senator to say that the 35 cents a head is paid, not for pasturage, but is paid simply for the use of a path connecting the pasturage with a spring, the pasturage being owned by the State and the spring being owned by a private individual?

Mr. FALL. Yes; in this way—

Mr. CRAWFORD. Is there a lease of some land or is it the easement of some cow path for which they pay 35 cents a head?

Mr. FALL. They ostensibly charge you a lease permit of 35 cents a head per year for the total number of cattle that will water at that spring. They know the cattle could not graze there without water. They are simply taking advantage of conditions, and they have thrown the forest reserve about it for that purpose.

Mr. CRAWFORD. It is, in fact, paying 35 cents for the use of the old cow path?

Mr. FALL. Yes; with the old cow going backward and forward.

If Senators will read this bill fully, they will find one or two remarkable things in it. There is a provision in it that none of this appropriation made for the construction and maintenance of houses shall be used for the maintenance or construction of houses used by the forest-reserve agent where such houses are situated on any inclosed field of a homesteader who had a homestead prior to the time that this forest reserve was thrown about it.

I am very grateful, and I want to express the gratitude of the people of my country, because in times past we have had the forest agent—if he concluded he needed a part of a homestead, not patented, although it had been segregated long before the forest reserve was thrown around it—to go bodily and take it—all our improvements; not in one instance, but in several.

The Senator from Nevada spoke to me a moment ago and asked if we did not want roads built. In the Lincoln Forest Reserve, in New Mexico, the people of New Mexico finally secured permission to build a road over an old public road built there since the days of Billy the Kid. They secured the gracious permission to build this road at their own cost, and they did it, connecting up several little towns and crossing a forest reserve.

It has not been a year since a neighbor of mine started across the forest reserve, traveling on the public road, and was stopped in the middle of the road and told that he must pay a crossing permit. He explained that he was going through to another place off the reserve and that he would not stop there that night; that he was traveling a public road, belonging to the State of New Mexico. Yet he was held up. They would not allow him to cross. He did cross, but it was over the protest of this particular representative of this bureaucratic Government that happens to have charge of that particular reserve. The man had an old-fashioned six-shooter, which is a pretty good argument, and he finally passed on.

These things are coming up every day. The matter which this man speaks of in this letter which he writes to me is only one of them. They build some of the most beautiful and romantic trails there you ever saw. They take the girls riding over a trail made simply for horses to travel. They do not want any public roads. If there are any built, we tax ourselves and build them ourselves.

I want to say just one word in closing. I am not going to weary your patience longer, Senators.

The Senator from Mississippi yesterday asked a very pertinent question, I thought. He asked the Senator from Wyoming as to the comparison between the administration of the public lands in the public-land States of the United States and the administration of the lands belonging to the great State of Texas. In my peregrinations I once punched cattle in Texas and New Mexico.

Mr. President, the State of Texas has, without any exception, passed the most drastic anticorporation, anticapitalistic laws of any State in this Union. They have gone so far in the matter of their legislation that railroads have threatened even to tear up their tracks and get out of the State. A great railroad system last year announced through the public press that they would not expend the money which they had in their treasury for further road building and the extension of their system in the great State of Texas.

The Texas Legislature passed an act which provided that any simple indebtedness should be deemed exactly the same as a bonded indebtedness when it came to a foreclosure. Their statutes are full of legislation of that kind. They have such restrictive legislation in the matter of corporation bonds and the issue of stock that every railroad which is going to Mexico and can get around the State of Texas goes around it, simply because if they go through any part of Texas they must have a separate bond issue, or if they undertake to make their general bonds applicable to all their lines, including those in Texas, then the bonds must pass the scrutiny of the railroad commission of Texas and be based on the physical valuation of the property.

All these laws, the most restrictive that any legislature has ever adopted, have been adopted by the State of Texas. Capitalists have been saying for years that Texas drove out capital, and yet Texas remains a great Empire State, one of the greatest States in this country; a State progressing in every line of commerce and of industry. Why? Because, sir, she owns her public lands. She owns every acre of land within her boundaries, and when she came into this great Union she reserved to herself the absolute title to every foot of the land within her boundaries. She has made mistakes, just as we have made mistakes. Lands were stolen from Texas, just as they have been stolen from the public domain. Millions of acres of land were given by the Texas Legislature in aid of railroad building, just as we gave millions and millions of acres for the Atlantic & Pacific, the Northern Pacific, the Union Pacific, and other railroad building in the United States. Millions of acres of the finest domain in the world were given away by the State of Texas, and yet she has the greatest public-school fund of any State in the Union. Yet she has the most magnificent courthouses in every little county throughout that great State—an ornament to the county seat—of any in the Union. She has built up her school fund, her courthouses, her public buildings, her great capitol—\$15,000,000 paid for it in land—and yet she has given to the people coming into her borders the most liberal land laws ever given to any people.

Instead of restricting the homesteader, instead of saying to him, "We do not want you here; you can come to our boundary and turn and go back," she said "Come in, and instead of giving you a measly 160 acres we will give you 640 acres, and we will let you buy six sections of 640 acres each, at \$2 an acre, and give you 40 years' time, at 3 per cent interest, to pay it." She has built up a magnificent Commonwealth. There are no happier or more prosperous people living in the United States than those who inhabit the great State of Texas, and it has been entirely due, and her prosperity has been traceable almost entirely, to her public-land system and the fact that she owned the land and through the ownership it was not tied down. Nobody ever suggested that her people should be a nation of tenant farmers, and I would pity the public man or the private citizen who would suggest to the people of Texas that they reserve the fee in the land.

I say to you, Senators, that the whole theory of this is wrong—absolutely wrong. I agree with the Senator from Idaho that these lands should be turned back to the people. His amendment should be adopted, giving to the people of the States absolutely the public land and let them deal with it.

That is the proper theory, and sooner or later you will come to see it. But in the meantime we people from the West are practical men. If we can not get what we believe is absolutely right, we feel that we are entitled to ask of you some measure of justice, and we ask you simply to give us the administration of the forest reserves in the State of New Mexico and let us administer them under the laws which you have already passed and any such laws as you may pass hereafter. We will not charge you one cent for it. Instead of over \$100,000 per year,



as you are paying now, we will run them for the benefit of our people. We will pay the expenses from the revenue which we collect. Now, that is all we ask.

I want to read, if I have the permission of the Senate, the amendment which I propose to offer. It is to come on page 52, after line 14, of the committee amendment.

Amendment intended to be proposed by Mr. FALL to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, viz: On page 52, after line 14, insert the following:

"Provided further, That the management, supervision, and administration of the respective forest reserves within the State of New Mexico and of that portion of any such reserve partly within said State shall, subject to all the laws of the United States and of the general rules and regulations heretofore adopted by the Agricultural Department, be devolved upon the State government and officers of the State of New Mexico. The Legislature of New Mexico shall, if the provisions hereof are accepted by a resolution of such body, provide the necessary officers and employees for the care, management, and administration of each of such reserves or parts of reserves. The salary and expense accounts of such officers and employees and all expenses of such care, management, and administration, including reforestation, shall be paid wholly out of the funds derived from the lease of lands and grazing permits, sale of timber, and other sources of revenue from such forest reserves, and no part of any such or any other expense connected with the care, management, or administration of such reserves shall be paid out of the appropriations herein made or by the United States out of any other funds, and any funds remaining after the payment of all expenses as in the proviso set out, shall be paid into the treasury of New Mexico to be expended as provided by the State laws.

"The Secretary of Agriculture shall have the power and he is hereby directed to cause such reserves to be inspected from time to time and shall see that all laws and rules applicable to such reserves are enforced, and shall have the power to suspend any State official or employee failing to enforce such laws and rules and regulations, pending a hearing upon charges to be made by him under his direction to the governor of New Mexico, who shall promptly remove and appoint a successor to any such official or employee against whom such charges are sustained."

Now, Mr. President, I can not see why the Congress of the United States should not at least give us the administration, under the laws as they now exist, of these forest reserves. Take one item alone of expense last year. From the forest reserves in New Mexico last year they sold \$42,000 worth of timber. Now not \$1 of the expense of travel or salary or any overhead expense or any administration expense or any forest ranger's pay was charged up against these receipts, but there appears upon the return of expenses an item for the sale of timber \$12,000—30 per cent over and above all charges of salary of employees, of traveling, of administration, and every other expenditure. Consider that as a business proposition. We can take it; we know how to handle it; we can take it under the supervision of your Secretary of Agriculture.

Mr. NEWLANDS. If the Senator will permit me, I should like to say this. The suggestion the Senator has just made is a most interesting one and one worthy of serious consideration.

I wish to ask the Senator whether he is prepared now to give his views as to what changes should be made in the existing land laws with a view to doing away with the evil legislation and administration to which he has referred. The Senator heard my contention yesterday, I believe, that the men of the West should confer together and shape a code of laws which they could submit to Congress for its consideration, and I would ask the Senator whether he is prepared now to state what his views would be regarding, first, the forest reserves, should they be continued in any form; second, should coal reserves be continued in any form; and, third, what should be done with the grazing lands, should they be vested in private ownership or kept as a public commons for grazing until provision is made, perhaps, for their irrigation or their settlement under other conditions? I am sure that we have now a very excellent opportunity for conferring together on this bill and exchanging views, and I should be very glad to have the experience of the Senator.

Mr. FALL. I will say to the Senator that I have views, and very decided views, upon each of those propositions, and those views I will take the earliest opportunity of enlightening the Senate upon; but to go into it now in the limited time which I would have would be useless. I would very much prefer that the Senator should excuse me.

I want to say, however, shortly, that never so long as I am here or have a vote anywhere else will I vote to reserve the public lands of the United States from the individual citizens of the United States. Never so long as I have a vote can we get together on any proposition looking to a compromise adverse to the system upon which this Government was founded and create a new system of peasantry—never will my vote be given and never can we get together upon any such proposition.

As to the question of utilizing these public lands and utilizing these grazing lands, my own idea is that a larger amount than the original homestead or even desert-land entry should be given as a grazing homestead, and that the absolute title should pass just as it passes now.

I think the Senator overlooks this proposition. He speaks of withholding minerals, for instance, and of withholding coal. How long are you going to withhold it? Will you ever allow a man a title to his land? Will you ever allow him to feel that his boundaries can not be crossed by anyone seeking to erect a derrick or dig a shaft on his grounds? The present land law places a limit. Under the present homestead laws you must reside for five years upon a homestead before you can get a patent, and at any time prior to the issue of the patent, when it is shown that the land is valuable for mineral, it can be taken and is taken for mineral purposes only.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Mexico yield to the Senator from Oregon?

Mr. FALL. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator if his proposed amendment would have the effect, in case it was adopted, of opening up the reserved lands of New Mexico.

Mr. FALL. Not at all. As I said, I am simply a practical man trying to get something. I know I can not get what I want.

Mr. CHAMBERLAIN. So the Senator's amendment would maintain the present boundaries of the reserves as they now stand?

Mr. FALL. Absolutely; and under the law and rules and regulations. We will not interfere with them, because we can not. The Congress of the United States is not yet prepared to do full justice to the people of the West, for whom I speak. I hope and believe that before many years or before many months have rolled around the Congress of the United States will abolish the Department of the Interior of the United States Government and with it the Indian Office.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill will be proceeded with. The next passed over amendment will be stated.

The SECRETARY. On page 29, line 18, before the words "forest rangers," strike out "one hundred and ninety-eight" and insert "two hundred and fifty-two," and in lines 19 and 20 strike out the words "54 forest rangers, at \$1,100 each," so as to read:

Two hundred and fifty-two forest rangers, at \$1,200 each.

The amendment was agreed to.

#### EXECUTIVE SESSION.

Mr. CULLOM. I understand that several other Senators desire to speak upon the bill. We can not conclude its consideration to-night. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 16, 1912, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate May 15, 1912.*

##### COLLECTORS OF CUSTOMS.

John A. Thornton, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana. (Reappointment.)

Herbert W. Hawes, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine, in place of Daniel H. Moody, deceased.

##### POSTMASTERS.

###### ARKANSAS.

F. G. Briggs to be postmaster at Judsonia, Ark., in place of F. G. Briggs. Incumbent's commission expired April 28, 1912.

Clarence A. Dawson to be postmaster at Marked Tree, Ark., in place of Clarence A. Dawson. Incumbent's commission expired April 28, 1912.

John Edwards to be postmaster at Gurdon, Ark., in place of John Edwards. Incumbent's commission expired April 28, 1912.

Claude R. Ferguson to be postmaster at Huntingtoz, Ark., in place of Claude R. Ferguson. Incumbent's commission expired April 28, 1912.

Charles L. Jones to be postmaster at Junction City, Ark., in place of Charles L. Jones. Incumbent's commission expired April 28, 1912.

R. M. Jordan to be postmaster at Fordyce, Ark., in place of R. M. Jordan. Incumbent's commission expired April 28, 1912.

M. B. Leming to be postmaster at Waldron, Ark., in place of M. B. Leming. Incumbent's commission expired April 28, 1912.



William T. Moore to be postmaster at Leslie, Ark., in place of William T. Moore. Incumbent's commission expired April 28, 1912.

Owen J. Owen, jr., to be postmaster at Conway, Ark., in place of Owen J. Owen, jr. Incumbent's commission expires May 23, 1912.

Fidelles B. Schooley to be postmaster at England, Ark., in place of Fidelles B. Schooley. Incumbent's commission expired April 28, 1912.

J. A. Steele to be postmaster at Lewisville, Ark., in place of J. A. Steele. Incumbent's commission expired April 28, 1912.

Mattie C. De Vaughan to be postmaster at Waldo, Ark., in place of Mattie C. De Vaughan. Incumbent's commission expired April 28, 1912.

#### CALIFORNIA.

Ernest L. Blanck to be postmaster at Fellows, Cal., in place of Harry J. Lawton, resigned.

Clarence Edwin Kendrick to be postmaster at Barstow, Cal., in place of Clarence Edwin Kendrick. Incumbent's commission expires May 26, 1912.

Harry E. Meyers to be postmaster at Yuba City, Cal., in place of Harry E. Meyers. Incumbent's commission expires May 26, 1912.

#### FLORIDA.

Morgan E. Jones to be postmaster at Miami, Fla., in place of Harry C. Budge. Incumbent's commission expired February 11, 1912.

#### GEORGIA.

Charles D. O'Kelley to be postmaster at Grantville, Ga., in place of Charles D. O'Kelley. Incumbent's commission expires May 23, 1912.

#### ILLINOIS.

Winfield S. Pinnell to be postmaster at Kansas, Ill., in place of Winfield S. Pinnell. Incumbent's commission expired December 11, 1911.

#### INDIANA.

John W. Foland to be postmaster at Frankton, Ind., in place of John Sharp, resigned.

#### KANSAS.

George W. Rains to be postmaster at Galena, Kans., in place of Charles L. Rains, deceased.

#### MICHIGAN.

John C. Corkins to be postmaster at Cass City, Mich., in place of Henry S. Wickware. Incumbent's commission expired May 14, 1912.

#### MINNESOTA.

Frank L. Walker to be postmaster at Alden, Minn., in place of Amy R. Walker. Incumbent's commission expired March 20, 1912.

#### MISSISSIPPI.

Malcolm S. Graham to be postmaster at Forest, Miss., in place of Malcolm S. Graham. Incumbent's commission expired March 6, 1912.

Sidney M. Jordan to be postmaster at Louisville, Miss., in place of Sidney M. Jordan. Incumbent's commission expires May 27, 1912.

Lewis M. Joyner to be postmaster at Agricultural College, Miss., in place of Lewis M. Joyner. Incumbent's commission expired April 28, 1912.

Andrew M. Patterson, jr., to be postmaster at Como, Miss., in place of Joe C. Craig, resigned.

#### MISSOURI.

Percy P. Hummel to be postmaster at Laddonia, Mo., in place of Percy P. Hummel. Incumbent's commission expires May 15, 1912.

John M. Mathes to be postmaster at Aurora, Mo., in place of Isaac V. McPherson. Incumbent's commission expires May 15, 1912.

Phillip G. Wild to be postmaster at Spickard, Mo., in place of Phillip G. Wild. Incumbent's commission expires May 22, 1912.

#### NEW JERSEY.

Theodore S. Moore to be postmaster at Stockton, N. J., in place of Theodore S. Moore. Incumbent's commission expired May 11, 1912.

#### NEW YORK.

Warren W. Ames to be postmaster at De Ruyter, N. Y., in place of Huet R. Root, deceased.

Albert Weed to be postmaster at Ticonderoga, N. Y., in place of Albert Weed. Incumbent's commission expired May 4, 1912.

#### OKLAHOMA.

Joel E. Cunningham to be postmaster at Konawa, Okla., in place of Joel E. Cunningham. Incumbent's commission expires May 26, 1912.

#### PENNSYLVANIA.

Fred V. Balch to be postmaster at Galeton, Pa., in place of Fred V. Balch. Incumbent's commission expires May 26, 1912.

Harry S. Noblet to be postmaster at Halifax, Pa., in place of Newton E. Noblet, deceased.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate May 15, 1912.*

#### COLLECTOR OF CUSTOMS.

John Bourne to be collector of customs for the district of Dunkirk, in the State of New York.

#### POSTMASTERS.

##### MICHIGAN.

David L. Powers, Jonesville.

##### NEW YORK.

Frank E. Colburn, Medina.

### HOUSE OF REPRESENTATIVES.

*WEDNESDAY, May 15, 1912.*

The House met at 12 o'clock m., and was called to order by the Speaker, who took the chair amid general applause.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in whom is all wisdom, power, and goodness, bear with our infirmities, pardon our shortcomings, be gracious near to us, and guide our wandering footsteps into paths of purity and good will, that we may be profitable servants unto Thee and unto our fellow men, now and always, in the spirit of the Lord Jesus Christ. Amen.

ADDRESS OF HON. WILLIAM C. REDFIELD (H. DOC. NO. 758).

Mr. THAYER. Mr. Speaker, I ask unanimous consent that there be printed in the RECORD the address of the Hon. WILLIAM C. REDFIELD on the "Progress of Japanese Industry," delivered last fall before the Japanese conference at Clark University, at Worcester, Mass.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] asks unanimous consent to print in the CONGRESSIONAL RECORD a speech made by Mr. REDFIELD last fall before the Japanese conference at Worcester, Mass. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask the question whether or not this goes into the subject of the admission of Japanese into the United States and allowing them to become citizens of the United States?

Mr. THAYER. Not at all.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to suggest to the gentlemen who ask unanimous consent at this time in the meeting of the House to print in the RECORD, that if they do so it be not in the ordinary course of proceedings, but in the part devoted to speeches held out of the RECORD. For instance, yesterday the gentleman from California [Mr. RAKER] inserted in the RECORD a speech, to which no one had any objection, but it interferes with those gentlemen who examine the RECORD daily to have such speeches come in the current proceedings of the House.

Mr. RAKER. Will the gentleman yield there?

Mr. MANN. I will.

Mr. RAKER. I will say to the gentleman that I think he is right, and I would have no objection to having that printed at the end of the proceedings, and I think this ought to be printed in that way.

Mr. THAYER. I have no objection to the suggestion of the gentleman from Illinois [Mr. MANN].

Mr. McCALL. Mr. Speaker, I would ask the gentleman why it would not be better to have this printed as a House document? That would be in a form convenient for circulation. It is not in any sense a part of the proceedings of the House. That is the way outside speeches are printed in the Senate, and I would suggest the gentleman modify his request and ask that it be printed as a House document.

Mr. THAYER. I have no objection to that. I will amend my request.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] modifies his request and asks that the speech of Mr. REDFIELD be printed as a House document. Is there objection? [After a pause.] The Chair hears no objection.

#### EXTERMINATION OF RODENTS.

Mr. RAKER. Mr. Speaker, on March 12, 1912, the Committee of the Whole House on the state of the Union had under consideration the Agriculture bill (H. R. 18960), and at that time I



made a motion to amend the bill by putting on an amendment calling for an appropriation for the extermination of ground squirrels and rodents affected by the bubonic plague. The Senate has considered the bill. I now have a full statement from the department showing the necessity of such appropriation, written for the benefit of the House, and I ask that I have unanimous consent to print the statement from the Treasury Department in regard to the matter.

Mr. MANN. I hope the gentleman will print it in the same way.

Mr. RAKER. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. RAKER]?

There was no objection.

The statement referred to is as follows:

TREASURY DEPARTMENT,  
OFFICE OF ASSISTANT SECRETARY,  
Washington, May 15, 1912.

Hon. JOHN E. RAKER,  
House of Representatives.

DEAR SIR: In accordance with your request, there is forwarded herewith a memorandum prepared by the Surgeon General of the Public Health and Marine-Hospital Service, relative to the necessity for the destruction of ground squirrels on Federal public lands in California, to prevent the spread of bubonic plague.

Respectfully,

R. O. BAILEY,  
Assistant Secretary.

MAY 13, 1912.

Memorandum relative to the necessity for the destruction of ground squirrels on Federal public lands in California.

The present outbreak of bubonic plague in California was discovered in 1907, and during that year the infection was also found among ground squirrels in rural districts. As a result of the cooperation between the Public Health and Marine-Hospital Service and State and municipal health authorities the disease has been eradicated from cities in that State. The infection still prevails, however, among ground squirrels in rural districts.

The antiplague operations included the destruction of known foci of infection, the determination of the extent of the infection within the State, and general squirrel eradication. As a result of these efforts, there was established a squirrel-free zone around the cities of San Francisco, Oakland, Alameda, and Berkeley and vicinity, and the area of plague infection in counties of the State diminished. During the fiscal year 1911 plague infection was eradicated from 4 counties, leaving 7 counties infected out of a total of 45 counties in which antiplague operations have been conducted.

In the above operations the State and county authorities took an active part. In the fall and winter of 1910 the State board of health issued a circular letter to county boards of supervisors, calling their attention to a State law entitled "An act for the extermination of rodents," and requested their cooperation in the enforcement of the same. The medical officer representing the Public Health and Marine-Hospital Service visited the counties interested and addressed the supervisors on the importance of controlling the infection, and offered Federal aid if the boards would join in a general movement for the eradication of ground squirrels.

The county boards of supervisors adopted resolutions urging property holders to immediately take measures to destroy all rodents found upon their premises, and requested the detail of experienced Federal inspectors to assist the board in exterminating rodents. Inspectors were appointed by the county for duty in connection with the enforcement of the law and Federal inspectors were assigned to supervise the work.

The farmers generally have taken a great interest in the work, devoting much time and money in squirrel poisoning and eradication. There is record of the destruction during the fiscal year of 126,125 ground squirrels, 124,265 having been examined in the Federal plague laboratory in San Francisco and 55 found to be plague infected. The total slaughter of ground squirrels was undoubtedly very much greater than the above figures indicate, but many of the animals could not be recovered for purposes of bacteriological examination, poisoning having been largely used for the purpose of destruction.

The act of the California Legislature dated March 13, 1909, and entitled "An act for the extermination of rodents," provides that all persons owning or controlling lands in which rodents are found shall proceed in good faith to exterminate them. Private property owners have been very active in this matter, but difficulties have arisen in connection with infested Federal lands. Private owners find that it is both a waste of time and money to attempt to exterminate squirrels on lands adjoining lands of national parks and forest reserves. These possessions of the National Government are alive with rodents. During certain seasons ground squirrels migrate in large numbers from them to the ranches and farms in the lower valley. In view of this fact, the farmers in certain localities have refused to undertake to attempt to eradicate rodents on their premises until some eradication work has also been undertaken on unoccupied portions of the public domain in that vicinity.

In April, 1911, inspectors appointed by the supervisors of Tulare County reported that the larger portion of the public lands in California was infested with ground squirrels, and stated that the farmers and ranchers could not comply with the act above mentioned on account of the fact that the Government lands adjoining private lands served for breeding places for ground squirrels, and that squirrels migrated from public lands to the private lands adjoining. This was followed later by resolutions passed by county boards of supervisors, which reiterated the above statement and requested the cooperation of the Departments of the Interior and Agriculture in the extermination of rodents on lands under their respective jurisdictions. Upon the receipt of the information above outlined from the officer of the Public Health and Marine-Hospital Service in charge of antiplague measures in California, the Secretary of the Treasury addressed letters to the Secretaries of Agriculture and Interior, outlining the situation and requesting their cooperation to the extent of causing the destruction of squirrels on land under their control. Letters were received from the Secretaries of both departments which stated, in effect, that instructions would be sent to the officers in charge of forest reserves and national parks to cooperate in this work, so far as authority in law and appropriations would permit.

The facilities for such work by those departments have evidently been inadequate, and provision should be made to enable them to eradicate ground squirrels in the public domain coincident with the eradication measures on private lands adjoining.

The occurrences and continuance of plague among ground squirrels in the rural districts of California is a distinct menace, not only to the urban districts of California, but to other States and Territories in the Union. While the disease can be controlled and eradicated from cities in California and elsewhere, constant danger of reinfection from infected rural districts exists. Commendable progress has been made in lessening the area of infection in counties of California. The work must be continued by all parties, and sufficient appropriations should be provided for the Federal Government to free its own lands from infection, and to aid State and municipal authorities in eradicating the infection from the State generally. The problem is not only local, but national, and what may appear to-day to be a local infection is likely to spread and become a menace to public health and interstate commerce.

#### REPRINT OF BILL.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print 25,000 more copies of the bill H. R. No. 1. I am just informed that the supply is entirely exhausted.

Mr. RAKER. Mr. Speaker, will the gentleman yield to a question?

Mr. SHERWOOD. Yes.

Mr. RAKER. I have been unable to get any of these bills. I am informed they are all exhausted. Will not the gentleman modify his request and make the number of copies 50,000, so that some of us might get some of these bills to send out?

Mr. SHERWOOD. All right.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent to have 50,000 copies of House bill No. 1 printed.

Mr. MANN. Reserving the right to object, Mr. Speaker, the gentleman certainly does not want the bill printed.

Mr. RUSSELL. He wants the law printed.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from California?

Mr. SHERWOOD. I do.

Mr. RAKER. I have made an inquiry and I find that they are all exhausted in the document room.

Mr. MANN. And yet 30,000 copies have already been printed.

Mr. RAKER. Yes; but they are all exhausted.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that 50,000 copies of the new pension law be printed.

Mr. MANN. Still reserving the right to object, I would like to ask the gentleman a question. As I understand, the Pension Office is getting out an application blank, and I think when the age pension bill was passed before, the application blank was printed on one side and the law on the other side.

Mr. RUSSELL. It is so done now. I have seen the blanks. I have got some of the blanks.

Mr. MANN. Now, it seems to me that it is desirable to have the application blanks printed in connection with the law. If that can be done I shall not make objection to the request of the gentleman from Ohio.

Mr. RUSSELL. The blanks are already printed or being printed.

Mr. MANN. Are they being printed in such numbers as the gentleman wants?

Mr. LANGLEY. I think they should be apportioned among the Members so that each Member may have his pro rata share.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I would like to know where these 30,000 copies that are spoken of have gone. I have not got any.

Mr. LANGLEY. Nor I.

Mr. MANN. Then you are not active. You could get them by going after them in time.

Mr. RAKER. I want to say to the gentleman that the first ones at the document room gets those.

Mr. LANGLEY. I suggest to the gentleman from Ohio that they be apportioned pro rata among the Members.

Mr. SHERWOOD. But a hundred Members do not want any.

Mr. LANGLEY. Then let them turn them over to those who do want them.

Mr. MANN. We can afford to print as many as are desired.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that 50,000 copies of the pension law founded upon bill No. 1 of the House be printed.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I object, unless it is provided that they shall be distributed pro rata.

Mr. HAMLIN. And deposited in the folding room and distributed from there.

Mr. MICHAEL E. DRISCOLL. Yes; distributed pro rata through the folding room.

Mr. SHERWOOD. The difficulty about that is that a hundred Members do not want any.



Mr. MICHAEL E. DRISCOLL. The people who want them should not be allowed to go and grab them up in the first instance and get them all, as they have done in the case of the 30,000 which were printed heretofore.

Mr. MANN. Let me suggest to the gentleman from New York that this is a very short law and very likely, on being sent out, the copies would not be sent out in large envelopes through the folding room as conveniently as through the Members in a small envelope under a frank. It is a great deal easier to send them out under a Member's frank in an envelope than under a frank slip through the folding room.

Mr. HAMLIN. But if they are in the folding room Members can send there and get them.

Mr. MANN. As soon as the application blank is available with the law printed on the back Members will not want the law by itself, but they will want the application blank with the law printed on the other side.

Mr. MICHAEL E. DRISCOLL. They ought to be distributed through the folding room, so that we can all get our share of them.

Mr. RAKER. Mr. Speaker, will the gentleman from Ohio yield?

Mr. SHERWOOD. Yes.

Mr. RAKER. Could not the gentleman make the request that 50,000 copies of this law be printed upon the back of the application that has already been approved by the Pension Bureau?

Mr. SHERWOOD. They have already been printed.

Mr. RAKER. If you print your 50,000 blanks and print the law on the back, you will not have to print the law separately. You save printing 50,000 copies of the law. You might just as well print the blanks and have the law on the back and have it all done at once.

Mr. LANGLEY. That will save our going to the Pension Office.

Mr. RAKER. It will save sending out two documents. It will be cheaper for the Government, more convenient for us, and handier for the pensioner to have the law right before him.

Mr. EDWARDS. What is the estimated cost per thousand of printing these laws?

Mr. SHERWOOD. We have no estimate.

Mr. LANGLEY. It is merely nominal.

Mr. SHERWOOD. I have been requested by at least 20 Members to have 50,000 copies printed, and these requests have been made in the last 24 hours. I have no estimates.

Mr. LANGLEY. It will cost only a few dollars.

Mr. SHERWOOD. It will cost only a very small amount.

Mr. EDWARDS. I understand the cost is nominal.

The SPEAKER. Does the gentleman modify his request about printing the law on one side and the blanks on the other?

Mr. SHERWOOD. If they have not been printed already.

Mr. RUSSELL. They have been printed, and the law is being printed on them now.

The SPEAKER. Is that the way it is being done now?

Mr. RUSSELL. Yes.

The SPEAKER. Why not go on in that way, then?

Mr. RUSSELL. They are printing them, anyhow; but I think there ought to be some copies of the law, besides. Some people want copies of the law who may not be entitled to the blanks. (Public, No. 155.)

The SPEAKER. The gentleman from Ohio asks unanimous consent to print 50,000 copies of the pension law which was based on House bill No. 1. Is there objection?

There was no objection.

#### LEAVE TO PRINT SPEECHES.

The SPEAKER. Until the Chair can communicate with the Committee on Printing the Chair will ask gentlemen who have leave to print speeches, or who get permission to have somebody else's speeches printed in the RECORD, to act on the suggestion of the gentleman from Illinois [Mr. MANN], which is eminently proper, and mark the speeches as they go to the Printing Office, "Print this at the end of the proceedings." The gentleman from Illinois is right in the suggestion that to print the speeches in the body of the proceedings has a tendency to confusion. Members do not want to read these speeches when they are hunting for something in particular.

#### FRIAR LANDS IN THE PHILIPPINE ISLANDS.

This being Calendar Wednesday, the Speaker laid before the House the unfinished business coming over from last Wednesday, being the bill (H. R. 17756) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

Mr. JONES. Mr. Speaker, I would like to ask what is the parliamentary status of the two amendments which were offered, or rather which were read to be offered. If those amendments are pending, I would like to be heard in opposition to them. I understand that one of them is to be withdrawn, if it is considered as pending, but I wish to know whether they are before the House or have simply been read for the information of the House.

The SPEAKER. The amendment of the gentleman from Pennsylvania [Mr. OLMSTED] is pending. The amendment or substitute of the gentleman from Colorado [Mr. MARTIN] was simply read for information as a part of his remarks, with the statement that he intended to offer it, but the gentleman from Colorado [Mr. MARTIN] has notified the Chair that he is going to withdraw his amendment.

Mr. MARTIN of Colorado. Mr. Speaker, I wish to say to the Chair and to the gentleman from Virginia [Mr. JONES] that I think I shall withdraw my substitute, owing to the fact that it goes to the public-land section of the organic law as well as the friar lands; but I want to say now to the gentleman from Virginia that it is my intention to make a motion to recommit the bill with instructions to strike out the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] which was incorporated in it on last Wednesday. I shall do that, if I get recognition, in lieu of offering the substitute which I had read last Wednesday.

Mr. JONES. Mr. Speaker, upon an examination of the RECORD I am somewhat in doubt as to just what the amendment is that the Chair stated to be pending. I thought perhaps the gentleman from Pennsylvania [Mr. OLMSTED] might desire to change or modify it in some respects.

The SPEAKER. Is the gentleman rising to a parliamentary inquiry?

Mr. JONES. I suppose it is in the nature of a parliamentary inquiry. The RECORD states, on page 6411, that the Clerk read the amendment in these words:

Amend, page 2, line 21, by inserting, after the word "holdings," the following:

"And provided further, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided."

And that the gentleman from South Dakota [Mr. MARTIN] rose and said:

The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

Now, as amended by adding the words "this act as hereby amended," the last line of the amendment would read:

Subject to the limitations and restrictions herein provided this act as hereby amended.

The amendment as thus amended is absolutely meaningless.

Mr. OLMSTED. If the gentleman from Virginia will permit, the amendment as actually offered by me appears on page 6076. It is true, however, referring back to page 6072, that I had agreed to modify it somewhat at the suggestion of certain gentlemen, and now if there be no objection, I will modify the amendment as printed on page 6076 by striking out the words "herein provided" and add in lieu thereof the words "in this act as hereby amended."

Mr. JONES. If the gentleman from Pennsylvania asks unanimous consent to make that modification, I shall have to object.

Mr. OLMSTED. I am quite content with the amendment as it is.

Mr. JONES. My reason for offering the objection is this—

The SPEAKER. The gentleman does not have to give any reason for his objection.

Mr. OLMSTED. I will withdraw the request, Mr. Speaker.

Mr. MORSE of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MORSE of Wisconsin. I sent an amendment to the Clerk's desk during the consideration of this bill and supposed that it was pending, and I would like to ask whether or not the amendment is pending?

The SPEAKER. It is not.

Mr. MORSE of Wisconsin. I ask unanimous consent to offer the amendment now and have it pending.

Mr. OLMSTED. I have no objection to the gentleman offering an amendment, but I would like to have mine disposed of first.

Mr. MANN. The gentleman from Wisconsin will have the right to offer an amendment after the other amendment is disposed of.

The SPEAKER. Of course, and the Chair will recognize him. Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.



The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. I desire to have the Speaker refer to my substitute, found on page 6083 of the RECORD, and state the parliamentary status of that substitute. There has been some question raised as to whether the substitute is actually pending.

The SPEAKER. The Journal Clerk informs the Chair that the Journal shows that that amendment is pending and that a point of order was reserved against it.

Mr. MARTIN of Colorado. That is my judgment of it.

The SPEAKER. The Chair will so hold if the Journal shows it. The RECORD also shows the fact.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the amendment offered by me be again reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 2, line 21, after the word "holdings," insert the following: "And provided further, That every citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations and restrictions herein provided."

Mr. JONES. Mr. Speaker, I desire to call attention to the fact that the Clerk has not read all of the amendment. The gentleman from Pennsylvania accepted as an addition to that amendment these words, "In this act as hereby amended," and the Speaker declared that inasmuch as there was no objection the change would be made. That is found on page 6072. I desire that the amendment as it is now before the House shall be read.

Mr. OLMSTED. Mr. Speaker, I asked, as is found on page 6072 of the RECORD, to have the amendment read for information. I did not offer it at all, but I did agree that I would be willing to accept the change suggested; but when I offered the amendment I offered it as it now appears on page 6076 and in the exact form in which it there appears.

The SPEAKER. What is the point that the gentleman from Virginia makes?

Mr. JONES. Mr. Speaker, the point I make is this, that the gentleman from Pennsylvania [Mr. OLMSTED] offered an amendment in the precise language as read by the Clerk. The RECORD is very clear upon the subject. A suggestion was made that that amendment should be amended. The Chair will find on page 6072 of the RECORD what took place, and the amendment as modified by the suggestion of the gentleman—

The SPEAKER. Where is the gentleman reading?

Mr. JONES. Mr. Speaker, I am reading from the last column on page 6072 of the RECORD of May 8, 1912. I will read what took place:

The SPEAKER pro tempore (Mr. RUCKER in the chair). The Clerk will report the amendment.

The Clerk read as follows:

"Page 2, line 21, after the word 'holdings,' insert: 'And provided further, That in the sale of lands by the Philippine Government there shall be no restriction, limitation, or discrimination against any citizen of the United States.'"

Mr. OLMSTED. Without objection, I would change that amendment to an amendment in the form of the one which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

"Amend, page 2, line 21, by inserting after the word 'holdings' the following:

"And provided further, That every citizen of the United States shall be permitted to purchase land from the Philippine Government subject to the limitations and restrictions herein provided."

Mr. JONES. I understand what the object is, but your amendment says that any citizen of the United States shall be permitted to buy any of the public lands of the Philippine Islands, and that would include the so-called public lands subject to the limitations and restrictions of this act.

Mr. OLMSTED. Yes.

Mr. JONES. It occurred to me that it possibly might mean subject to the restrictions and limitations of this bill, but you refer to the act which this bill would amend?

Mr. OLMSTED. Surely. And the act as it would be amended by this bill.

Mr. MARTIN of South Dakota. The gentleman might say, "This act as amended." Would that help it?

Mr. OLMSTED. I have no objection to that. I have no objection to changing it so that it will read: "This act as hereby amended."

The SPEAKER pro tempore. Without objection, the change will be made.

There was no objection.

The SPEAKER. The Chair will suggest that a simple way out of this snarl is for the gentleman from Pennsylvania [Mr. OLMSTED] to withdraw his amendment, which he has an absolute right to do, and then to offer the amendment in the shape he wants it.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman from Pennsylvania that it seems to me the simplest way would be for him to offer a substitute for his own amendment.

Mr. OLMSTED. Mr. Speaker, I was just preparing a substitute, which I desire to offer.

The SPEAKER. The gentleman from Pennsylvania offers a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Substitute: Page 2, line 21, after the word "holdings," insert the words:

"And provided further, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government, subject to the limitations of this act, as hereby amended."

Mr. JONES. Mr. Speaker, I make the point of order that the substitute is not germane to the bill before the House.

Mr. OLMSTED. I supposed that was the point which the gentleman was trying to make. Mr. Speaker, the amendment I did offer was made without any point of order being made against it, and this being a substitute, the substitute is germane to the amendment and therefore is in order.

The SPEAKER. The point of order of the gentleman from Virginia is overruled.

Mr. JONES. Mr. Speaker, I desire to be heard for a moment on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. JONES. Mr. Speaker, I wish to say in the first place that when this amendment was offered it was my understanding, and I think it was the understanding of the House, that it was simply read for the information of the House, as was the amendment offered by the gentleman from Colorado [Mr. MARTIN]. If that had not been my impression at that time, I would most assuredly have made the point of order that the amendment was not germane. It was because I regarded the amendment as simply read for the information of the House and that it was not before the House that I did not make the point of order.

In support of my contention, I wish to say that if this amendment had been before this House for its action the only business which the House could have transacted would have been its disposition. No effort was made to dispose of the amendment at all. The Chair recognized different gentlemen, the gentleman from Colorado [Mr. MARTIN] among others, the Chair stating specifically that he recognized the gentleman from Colorado [Mr. MARTIN] to speak upon the merits of the bill, and not upon the amendment. Mr. Speaker, under these circumstances I did not at that time make the point that this amendment was not germane.

Another point, Mr. Speaker, to which I desire to call attention is this. If I understand the rules of the House, amendments are not in order in the House until bills are read a second time.

This bill, as I understand it, has not been read a second time for amendment, and therefore—

The SPEAKER. The rule of the House is this: That under the situation that this bill is in a Member can offer an amendment to any part of it at any time that he can get recognition from the Chair, and the House can either vote on the amendment then or take time to discuss it. When the gentleman from Colorado [Mr. MARTIN] arose to address the Chair, the Chair does not remember whether he asked to make a speech on the bill or on the amendment; but it does not make a particle of difference.

Mr. MANN. Mr. Speaker, let me call the attention of the Chair to what the Chair did do at that time. On page 6076, middle of the page, first column, the gentleman from Pennsylvania [Mr. OLMSTED] said:

Mr. Speaker, I now offer again and desire to be heard on the amendment which was read some time ago and which is considered pending.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED].

Then the Clerk read the amendment. At the bottom of the page the gentleman from Pennsylvania took the floor, and my colleague from Illinois [Mr. FOWLER] made the point of order that the gentleman from Pennsylvania was not entitled to the floor. The Speaker decided:

But the gentleman from Pennsylvania [Mr. OLMSTED] has offered an amendment, and he has the right to an hour on the amendment.

Mr. JONES. Will the gentleman let me ask him this question?

Mr. MANN. Certainly.

Mr. JONES. The gentleman read until he reached the amendment, but he did not read the amendment. Now, I want to ask him to read the amendment and to say whether or not it is the amendment which was before the House. I submit it is not the amendment which was before the House; that it is another amendment.

Mr. MANN. That may be, but that is pending and has not been disposed of.

Mr. JONES. The gentleman's amendment which you have before you is not the amendment—

Mr. MANN. Oh, well, whether it is correctly printed in the RECORD or not does not matter.

Mr. JONES. It is not a question of whether it is correctly printed in the RECORD, but it is not the amendment at all.



Mr. MANN. An amendment was offered by the gentleman from Pennsylvania, and he was recognized by the Speaker for an hour on that amendment. Now, whether the amendment is correctly printed in the RECORD or not does not make any difference. The Clerk at the desk has the amendment and the amendment has not been disposed of.

The SPEAKER. The parliamentary situation is that the gentleman from Virginia [Mr. JONES] did not raise any point of order against it. Nobody else raised a point of order. Now it is too late, in the opinion of the Chair, unless the gentleman from Virginia wants to be heard still further, to raise the point of order against this substitute, because it has been decided time and time again that if a proposition, which would have been subject to a point of order as not germane, is left in a bill or left pending without any point of order being made against it, it is subject to any amendment germane to the proposition itself even though such amendment to the amendment would not have been germane to the bill itself or to any part thereof. Of course the same rule applies to a substitute.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it. The point of order of the gentleman from Virginia is overruled.

Mr. MARTIN of Colorado. Mr. Speaker, in order to make the ruling of the Speaker perfectly clear, and particularly with reference to its effect on other pending amendments, I shall ask a question and ask the Chair to consider for a moment before answering the question in order to make a brief statement. I want to ask whether the Chair permitted the gentleman from Pennsylvania to offer his substitute as germane to the pending bill or as a substitute to the pending amendment to which the point of order was not raised? Now, in explanation of that question I will say to the Chair that the gentleman from Pennsylvania is in the inconsistent position of having raised the point of order against my substitute upon the ground it was not germane to the pending bill.

Mr. MANN. He did not offer it—

Mr. MARTIN of Colorado. And yet the gentleman offers a substitute which goes to identically the same subject matter; that is to say, to the public lands, so called, in the Philippine Islands. Section 15 of the organic law of the Philippine Islands related only to the public domain acquired from Spain. Section 65 relates to the friar lands. The gentleman has offered a substitute for his amendment which is not confined merely to the friar lands, but goes as well to the public domain, authorizing citizens of the United States to acquire not only friar lands, but public lands. Now, my substitute goes to the same lands, but instead of authorizing their acquisition, as his does, my substitute forbids their acquisition, so the principle involved would be identically the same. Now, it was for that reason I asked the Chair the question, whether he is permitting the substitute of the gentleman on the ground that it is germane to the bill or on the ground that it is germane to a nongermane amendment against which the point of order was not raised at the time.

The SPEAKER. If the Chair permits it at all, he is permitting it on the latter ground stated by the gentleman—that the original amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] was permitted to get into the position of advantage by nobody raising the point. The Chair is not deciding, and he is not required to decide, and he is not going to decide, under the circumstances, whether or not a point of order would have been good against the original amendment offered by the gentleman from Pennsylvania, because the proceedings have passed that stage.

Mr. MARTIN of Colorado. So, then, the point of order raised against my substitute is not necessarily determined by the ruling of the Chair upon the substitute of the gentleman from Pennsylvania?

The SPEAKER. The Chair did not understand the gentleman.

Mr. MARTIN of Colorado. I say the point of order raised against my substitute is not necessarily determined by the ruling of the Chair on the substitute of the gentleman from Pennsylvania [Mr. OLMSTED]?

Mr. MANN. You never offered a substitute.

Mr. MARTIN of Colorado. The Chair has decided that the Journal and RECORD show that my substitute is pending. I do not know whether I make myself clear to the Chair, although it is clear to me. The Chair has permitted the gentleman from Pennsylvania [Mr. OLMSTED] to offer his substitute for the amendment which he already had pending, against which the point of order could have been but was not raised.

The SPEAKER. The Chair has simply ruled—

Mr. MARTIN of Colorado. Now, I want to know whether that goes to the point of order raised against my substitute.

The SPEAKER. The Chair simply decided that the substitute of the gentleman from Pennsylvania for his own amend-

ment could not be ruled out at this stage of the proceedings by the point of order made by the gentleman from Virginia [Mr. JONES] that the substitute is not germane to the bill.

Mr. MARTIN of Colorado. I understand that.

The SPEAKER. That is all the Chair decided. If the gentleman from Colorado [Mr. MARTIN] has any other point of order to make, the Chair will hear that.

Mr. MARTIN of Colorado. I understand now that the fate of my substitute is still undetermined?

Mr. JONES. That is unquestionably true, Mr. Speaker, unless the gentleman has withdrawn it. The Chair has not passed on it.

The SPEAKER. The Chair will ask the gentleman from Colorado a question, in order to get this matter straightened out. Was the substitute of the gentleman from Colorado simply a substitute for a particular section or was it offered as a substitute for the entire bill?

Mr. MARTIN of Colorado. It was offered as a substitute for the entire bill.

The SPEAKER. And the point of order was reserved?

Mr. MARTIN of Colorado. Yes, sir. The point of order was that my substitute was not germane to the subject matter of the bill.

The SPEAKER. The Chair is of the opinion that the House passing on that substitute of the gentleman from Pennsylvania for his own amendment in no way affects the status of the substitute of the gentleman from Colorado [Mr. MARTIN] for the whole bill.

Mr. OLMSTED. Yes, sir.

Mr. MARTIN of Colorado. That is what I wanted to make clear. This is the situation it raises, namely, that the gentleman from Pennsylvania [Mr. OLMSTED] offered a nongermane amendment—

The SPEAKER. Yes; and the House slept on its rights and let it become a matter to be considered. The amendment he now offers is germane to his amendment which he offered without any point of order being made against it.

Mr. JONES. Mr. Speaker, I desire to be heard on the merits of the amendment.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] is entitled to the floor if he wants it.

Mr. JONES. I may say to the Chair that the gentleman from Pennsylvania [Mr. OLMSTED] discussed this amendment for an hour and then yielded the floor.

The SPEAKER. The gentleman from Pennsylvania discussed his original amendment for an hour and then sat down without making any motion whatever about this bill, and therefore it swung back to the gentleman from Virginia [Mr. JONES]. But it is a new amendment to the amendment. It is his proposition, and he has a right to be heard on it first if he desires to be heard.

Mr. OLMSTED. Upon which, Mr. Speaker, I desire to be heard very briefly.

The amendment which I originally offered, or rather had read for information, as printed on page 6411, was perfectly plain to me, but the gentleman from Virginia [Mr. JONES] and some other gentleman thought it possible that it would not carry with it the restrictions in the act of 1902 as amended by this bill. So, to meet their desire, I proposed to change it so that instead of saying "as herein provided," it shall read, "the limitations and restrictions of this act as hereby amended," thus complying with their request; but when the amendment was finally offered, on page 6416 in the RECORD, it was read in its original form, and when this morning I asked unanimous consent to change it, the gentleman from Virginia [Mr. JONES] objected for the purpose of raising a fine point, which did not prevail.

Now, the total object of this amendment which I have just offered—this substitute—is to comply with their request and to make it perfectly plain that if any citizen of the United States buys land under this authority, he buys it subject to all the restrictions of the act of 1902, as amended by the pending bill.

The object of the amendment is that citizens of the United States shall not be excluded, if they want to buy 40 acres of land in the Philippines. It seems to me that no man can stand up and with any reason oppose such an amendment as that. I think it is the law now, but the gentleman from Virginia and some other gentlemen think that no citizen of the United States can buy land in the Philippines. If so, it is an outrageous position—an outrageous position for us to be placed in—and that situation ought to be changed; the sole object of this amendment is to change it. We are limiting here the amount to be purchased to 40 acres. What reason can any man give why a citizen of the United States can not buy 40 acres of land, if he has the money to pay for it, anywhere under the flag?



That is all I desire to say, Mr. Speaker, and I yield the balance of my time to the gentleman from Indiana [Mr. CRUMPACKER], if he desires to take it.

Mr. CRUMPACKER. I do not desire to speak on the amendment, but I desire to speak on the bill.

Mr. OLMSTED. Then, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Virginia [Mr. JONES] is recognized.

Mr. JONES. Mr. Speaker, in order that the House may clearly understand just what this amendment seeks to accomplish, I wish to state that the bill before the House simply proposes to amend section 65 of the organic act of the Philippine Islands. Section 65 does not contain a single word relating to the character of the persons who can acquire public lands or friar lands from the Philippine Government.

This amendment, to which a substitute is offered, would have been ruled out by the Chair without any question had the point been made that it was not germane to the matter embraced in this bill, and it is the consciousness of that fact which prevented the gentleman from Pennsylvania [Mr. OLMSTED] from withdrawing it and offering the amendment which is embodied in the substitute. The substitute is, in other words, merely a subterfuge for the purpose of getting before this House a proposition that is in no sense connected with or germane to the matter embraced in the bill before the House.

The fifteenth section of the organic act provides that the public lands of the Philippine Islands can only be sold—mark the words—"to actual occupants, settlers, and other citizens of the Philippine Islands." The gentleman from Pennsylvania [Mr. OLMSTED] admits, as the gentleman from Illinois [Mr. MANN] said on Wednesday last in offering this amendment, that the law now is that these lands can not be sold to others than actual occupants, settlers, and other citizens of the Philippine Islands; and therefore the object of the gentleman is not to change the law, or any line of the law, embraced in section 65, but to amend section 15 of the organic act, which prohibits the sale of any public lands to citizens of the United States.

The gentleman from Pennsylvania says that he desires merely to make plain the language of section 15; that he thinks it is already plain, but that I do not take the same view of it that he does, and therefore he wants to make it plain.

Mr. Speaker, the language of this law is so plain that, in my judgment, no intelligent man who wants to construe it fairly and honestly can possibly be mistaken as to its meaning. It says that the public lands can only be sold to actual occupants, settlers, and other citizens of the islands. To show that this language was not inadvertently used, to make it perfectly plain that the committee, of which the gentleman from Pennsylvania [Mr. OLMSTED] was a member when the organic law was before this House, as well as the Senate committee having the bill in charge, and the conferees on the bill understood perfectly the meaning of this language, I call attention to the fact that there is another section of this law which relates to mineral and coal lands. That section provides that mineral and coal lands may be purchased by citizens of the Philippines and by citizens of the United States; but no citizen of any foreign country can buy an acre of mineral or coal lands in the Philippine Islands. It was the purpose of the Committee on Insular Affairs, it was the purpose of Congress in enacting this law, that the agricultural lands should be held exclusively for occupancy by Filipinos; but when the committee came to deal with the mineral and coal lands it did not propose to exclude citizens of the United States, and so the law provides that citizens of the United States, as well as citizens of the Philippine Islands, may purchase the mineral and coal lands.

Mr. MANN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MANN. Is it the opinion of the gentleman that under the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED], if adopted, Filipino citizens taking these lands will have to be occupants in order to buy, but that American citizens could buy without regard to occupancy?

Mr. JONES. I suppose that to be the meaning and intent of the amendment offered by the gentleman from Pennsylvania. However, the gentleman who offered it has not informed me as to what he believes will be its effect.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. BUTLER. I recall the amendment that was offered by the gentleman from Pennsylvania [Mr. OLMSTED] and adopted by the House a week ago, under which, it seems to me, the subject of the sale of lands in the Philippine Islands will be largely regulated by the Philippine Legislature hereafter. Am I right in that?

Mr. JONES. The gentleman is right as to the 125,000 acres of friar lands; but, if the gentleman will pardon me, this amendment undertakes not to amend the bill which is pending before the House, but an entirely different section of the organic law; it undertakes to amend the fifteenth section and to permit any citizen of the United States to buy any of the public agricultural lands.

Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] seems to think that it is most remarkable that I should want to prevent citizens of the United States from purchasing the agricultural public lands of the Philippine Islands. I call the gentleman's attention to the fact—and I have refreshed my memory by reading every word that took place when these sections were before the House 10 years ago—that those who participated in the debate which then took place laid particular stress upon the fact the friar lands were purchased in order to provide homesteads for Filipinos, and that the purpose in limiting the disposition of the public lands was to effectually prevent their ownership and exploitation by aliens. At that time I offered an amendment to section 16 of the bill which, if adopted, would have prevented corporations from acquiring an acre of the friar lands and would have limited individuals to the acquisition of not more than 160 acres. Both the gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Indiana [Mr. CRUMPACKER] voted against my amendment.

Mr. MANN. Will the gentleman yield?

Mr. JONES. I will.

Mr. MANN. Under the existing law if a citizen of the United States goes to the Philippine Islands in any capacity and desires to remain there and cultivate the soil, can he acquire any portion of these lands by purchase?

Mr. JONES. A citizen of the United States?

Mr. MANN. Yes.

Mr. JONES. Under the law as it now stands I do not believe he legally can, but I will say to the gentleman that the Philippine Commission, or rather the interior department of the Philippine Islands, under which these lands are administered, has never paid the slightest regard to the language under discussion. No discrimination has ever been made against citizens of the United States in the sale of public lands in the Philippine Islands.

Mr. MANN. Not merely the friar lands?

Mr. JONES. I am speaking of the public lands.

Mr. MANN. Have citizens of the United States been able to acquire land in 40-acre tracts?

Mr. JONES. I think so. I know citizens of the United States have bought friar lands, and I am quite certain that they have acquired parts of the public lands. But this I know to be the case, that the Philippine authorities have held that they had a right to sell either the public lands or the friar lands to any citizen of the United States, and that the language which I have read did not preclude their doing so. There has been no investigation as to this particular subject. The congressional investigation which took place in the last Congress related solely to the disposition of friar lands in large quantities.

Mr. MANN. That was a question in reference to friar lands.

Mr. JONES. There is nothing before the House relating to the public lands.

Mr. MANN. There is now.

Mr. JONES. Yes; there is since the gentleman from Illinois suggested to the gentleman from Pennsylvania a method by which he might get it before the House.

Mr. MANN. I always give parliamentary advice to my side of the House.

Mr. JONES. The proposition embodied in the amendment, however, is not germane to the bill which the House is considering. It got before the House by a parliamentary device.

The gentleman from Pennsylvania [Mr. OLMSTED] says that my contention is that citizens of the United States can not purchase public lands in the Philippines. He is correct in this statement, but he also knows that every member of the minority of the Committee on Insular Affairs of the Sixty-first Congress, with possibly two exceptions, took exactly the same ground that I now take. He also knows that three members of the majority, namely, Messrs. Madison, of Kansas, Hubbard, of Iowa, and Davis, of Minnesota, took precisely the same position.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. JONES. Yes.

Mr. MARTIN of Colorado. I want to make a partial answer to the question of the gentleman from Illinois with reference to the sale of public lands other than those of the Philippine Islands. On page 204 of the hearings is a list of sales of public lands to others than citizens of the Philippine Islands; and I will say that they were not only citizens of the United



States, but they were officials of the Philippine Government and were officials in the land department of the Philippine Government. On page 205 is a long list of leases of public lands, leased for a period of 50 years at the minimum rental allowed by law to citizens of the United States and to corporations organized by citizens of the United States, and that the majority of the officials were citizens of the Philippine Islands, including officials in the land department, the assistant director of public lands, and that these corporations were organized to develop and lease these public lands.

Mr. JONES. Mr. Speaker, I am very much obliged to the gentleman from Colorado for having furnished the specific information asked for by the gentleman from Illinois [Mr. MANN]. I was quite sure that citizens of the United States had actually purchased public lands, but my memory was not sufficiently clear to enable me to make the positive statement.

Mr. MARTIN of South Dakota. Mr. Speaker, do I understand the gentleman from Virginia to say that the Philippine Commission has interpreted section 15 of the organic act as not preventing a sale of parts of the public domain to people other than citizens of the Philippine Islands?

Mr. JONES. I am saying that identical thing.

Mr. MARTIN of South Dakota. Then, if the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] should be adopted, it would practically be a legislative indorsement of that interpretation.

Mr. JONES. That is precisely what it will be, and that, in my humble judgment, is the object which the gentleman from Pennsylvania has in view. The gentleman says that he does not agree with me, but his action in pressing this amendment shows to my mind that he thinks there is a good deal more in my contention than he is willing to admit; and the object of this substitute is not only to confirm every illegal act of the Secretary of the Interior and the director of public lands in the Philippine Islands, so far as they relate to sales of lands to citizens of the United States, but it will, if adopted, permit the sale of every acre of the public lands in the Philippines, which are the God-given inheritance of the Philippine people, to citizens of the United States.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. MORSE of Wisconsin. Then I do not understand how the gentleman connects the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] with the other section of the bill. It specifically refers to this section 65, which is the friar-land section.

Mr. JONES. Yes; but it relates to all Government-owned lands. Had it been confined in terms to the friar lands there would have been no question as to its being germane.

Mr. MORSE of Wisconsin. I understand that part of it. It seems to me that what he is seeking to amend is section 65.

Mr. JONES. The gentleman from Pennsylvania [Mr. OLMSTED] will be frank enough to tell the gentleman that he is seeking by his amendment to repeal the language of section 15, which confines the sales of public lands to actual occupants, settlers, and other citizens of the Philippines. Has the gentleman the amendment before him?

Mr. MORSE of Wisconsin. I have not.

Mr. JONES. Then I shall read it to the gentleman. The amendment says, following the last word in the bill:

*And provided further, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government subject to the limitations and restrictions herein provided.*

It will be seen that the language is "lands," not "friar lands."

Mr. MORSE of Wisconsin. Of course the limitations herein provided are 40 acres.

Mr. JONES. That is the construction which I have always placed upon the present law, and I think the gentleman agrees with me.

Mr. MORSE of Wisconsin. Then under the amendment offered by the gentleman from Pennsylvania no American citizen would be permitted to purchase more than 40 acres of any land.

Mr. JONES. This may be true as to the public lands.

Mr. MORSE of Wisconsin. Then where is the danger in it if that is true? If no American citizen can purchase more than 40 acres, what is the danger?

Mr. JONES. The gentleman is discussing the merits of the proposition. In the first place, I do not believe that we ought to change existing law in the Philippine Islands in this way. This bill was introduced for the purpose of construing one section of the law, and I do not think an attempt ought to be made, even if it can be done under the rules, to change one of the most important provisions of another and a different section which is not before the House except in so far as this

amendment brings it before it. This provision of the organic law, or, rather, the whole act, was under consideration for five or six days.

Mr. COOPER. It was considered for one week.

Mr. JONES. And these sections were discussed at great length.

They were also discussed in the Senate at great length, and the conference committee had charge of the bill for a number of days, and it made a great many important changes in the law. It can not, therefore, be contended that the language which confines the sale of public lands to citizens of the Philippines was placed in the law without due consideration. Its meaning is certainly too clear and obvious to permit of any discussion. If this were not true, we would not now be considering this amendment.

Mr. OLMSTED. Mr. Speaker, will the gentleman yield?

Mr. JONES. Certainly.

Mr. OLMSTED. Mr. Speaker, I desire to ask whether in the discussion of the organic act in 1902, at the time of its passage, there was any discussion of the proposition that citizens of the United States should not acquire land in the Philippine Islands?

Mr. JONES. Not one word was said on the subject. The language was so plain that nobody asked its meaning. There was no mistaking that the purpose was to confine the sale of agricultural lands to citizens of the Philippine Islands, but to permit citizens of the United States to purchase mineral and coal lands if they desired to do so.

Mr. OLMSTED. One more question. Is the gentleman opposed to allowing a citizen of the United States to buy 40 acres of land in the Philippines?

Mr. JONES. I am opposed to it. I think the policy of prohibiting the sale of the agricultural lands of the Philippines to aliens is a wise one. But if we permitted aliens to purchase 40 acres they might, and doubtless would, through the agency of dummies, secure a great deal more.

Mr. OLMSTED. The act prohibits that for five years.

Mr. JONES. For a certain length of time it does, but after the expiration of that period the lands can be alienated.

Mr. MORSE of Wisconsin. Right at that point, will the gentleman then not accept the amendment which I offer and which will prevent that very thing?

Mr. JONES. I will say to my friend that if I believed his amendment was constitutional, and if I believed it was wise to adopt so radical a policy as he proposes, I would not oppose it. I am as much opposed as is the gentleman to the exploitation of the Philippines, but I can not believe that we ought to undertake to limit the quantity of land which one individual may acquire from another individual. I am not willing to force a policy of this kind upon the Filipinos when I would oppose the same thing if attempted in the United States. The Government can and should dispose of the public lands in small bodies, but it would be very unwise to say that no citizen shall own more than a limited quantity of land. That would discourage thrift and enterprise.

Mr. JACKSON. Mr. Speaker—

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Kansas [Mr. JACKSON]?

Mr. JONES. I will.

Mr. JACKSON. If the gentleman is correct in his view that the substitute of the gentleman from Pennsylvania will ratify and confirm all the sales made to citizens of the United States, does not he also think that the gentleman's bill will ratify the sale of the San Jose estate?

Mr. JONES. No; that does not follow at all.

Mr. JACKSON. Where is the difference?

Mr. JONES. The bill before the House simply says that hereafter there shall be no sales of friar lands in excess of the limitations fixed in section 15. That is all. The gentleman from Colorado [Mr. MARTIN] would like to see an amendment adopted which would declare all sales made in excess of the limitations fixed in section 15 adopted, but he will not press that amendment simply because he knows it is not germane to this bill.

It is thoroughly understood that unless this bill passes the remainder of the friar lands will be disposed of without limitation as to quantity. The Secretary of War and even the President have given us so to understand. Hence the urgent necessity for the passage of this bill.

Mr. JACKSON. If the gentleman will permit, just a moment. I am inclined to agree with the gentleman in his statement, but it does seem to me, according to what the gentleman has said, that the substitute of the amendment of the gentleman from Colorado should be adopted.

Mr. JONES. The gentleman from Colorado is going to withdraw his amendment. There are a great many changes that I



would like to see made in the organic law, but that is no reason why this change should not be made now. We can not accomplish everything at once. This bill was only designed to accomplish one thing, and gentlemen who favor it should not insist that it does not cover many other provisions of the organic law that they would like to see changed. There are a great many reforms which I would like to see adopted. The Committee on Insular Affairs has reported a bill which is now on the calendar which makes very radical changes in the government of the Philippine Islands.

Mr. JACKSON. Why not report that bill?

Mr. JONES. That has been reported, and it would have been called up on last Wednesday if the gentleman had not united with others who engaged in a filibuster to prevent its consideration.

Mr. JACKSON. I think the gentleman is mistaken about anybody filibustering.

Mr. JONES. I am not, because the gentleman who led the filibuster frankly admitted his purpose to me. Had I agreed not to call up the Philippine independence bill, much of the opposition to this bill would have disappeared.

Mr. JACKSON. That would not make this bill any better, would it?

Mr. JONES. Those who oppose this bill, as well as those who advocate it, agree that Congress ought by affirmative action declare its policy as to the disposition of the friar lands. However much we differ as to what that policy should be, we all agree that the intention of Congress should be made clear and definite, and that is all this bill seeks to accomplish.

Mr. JACKSON. It must be plain to the gentleman, from what he has already said to the gentleman from Pennsylvania [Mr. OLMSTED], that if we now pass an act which, as the gentleman says, is meant to interpret the act which has already been passed, that we greatly injure every chance the Philippine Government has to recover this San Jose estate.

Mr. JONES. The gentleman is entirely mistaken. He is too good a lawyer to hold that if we put a stop to the sales of friar lands in large quantities in the future we thereby in some way make it more difficult to have those which have illegally been made declared void. I can not appreciate the force of an argument such as this.

Mr. JACKSON. Why not write something in your bill to right the wrong.

Mr. JONES. This bill does not undertake, as I have already said, to right all the wrongs that have been committed in the Philippine Islands. The wrongs of which the gentleman complains will, in my judgment, have to be righted in the courts. But however this may be, I for one am anxious to pass this bill and thus put a stop to the sales of these lands.

Mr. OLMSTED. The gentleman from Virginia [Mr. JONES] has stated that there are reports of Mr. DAVIS and Mr. Madison covering his opposition in this matter. I wish to read three lines from that report:

We believe that the amount that can be secured as a homestead should be increased to 160 acres, and that citizens of the United States not in the Philippine service should be qualified entrymen.

Mr. JONES. Does that change my statement? I did not say that Judge Madison thought the limit should not be increased. I said that he declared that the law as it stands to-day forbids the sale of public lands to citizens of the United States. If the gentleman has the Madison report before him he knows what I say is absolutely correct.

Mr. COOPER rose.

The SPEAKER. Does the gentleman from Virginia [Mr. JONES] yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. JONES. I will, but I want to reserve most of my time. Mr. COOPER. I want to say a word right there in the way of an interruption.

Mr. JONES. Will not the gentleman speak in his own time?

Mr. COOPER. I was going to ask this question first: When Judge Madison said that the homestead area in the Philippine Islands ought to be increased to 160 acres, do you not think that he had forgotten that the testimony of Gov. Taft and of all the other witnesses was, and is, that 1 acre of that friar land is worth from 3 to 4 acres of land here? The homestead area of 160 acres would be the equivalent of 400 acres in this country. I am opposed to that, and so everybody else should be.

Mr. JONES. I will say that Judge Madison was not a member of this committee and not a Member of Congress when the organic law was considered. The gentleman from Wisconsin [Mr. COOPER] is perfectly correct when he says that the then governor of the Philippines stated that the Filipino could raise as much on 40 acres of his land as an American could raise on a homestead of 160 acres in the United States.

As I have endeavored to make plain, this amendment does not seek to change anything in section 65. It is an attempt to change the policy of Congress as set forth in section 15, which policy was and is that aliens shall not purchase the agricultural public lands in the Philippines. Speaking from the standpoint of the gentleman from Pennsylvania [Mr. OLMSTED], I can see no pressing necessity for the adoption of his amendment. The Philippine Commission places exactly the construction he does on section 15, and they are selling the public lands to citizens of the United States straight along, and nobody is attempting to stop them. My construction of the law need not, therefore, disturb the gentleman.

There is still another objection which I have to this amendment. It makes it obligatory upon the Philippine Government to sell the public lands to any American who may desire them. No matter how undesirable a citizen he may be his application can not be refused. He may have spent the greater part of his life in prison for land frauds, and yet no application he may make can be refused. The amendment would have accomplished the purpose of the gentleman much better, I take it, if it said that in the sale of the public lands no discrimination should be made against American citizens.

Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The gentleman has used 40 minutes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes.

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2530. An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes; to the Committee on the Public Lands.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23407. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across the Levisa Fork of the Big Sandy River;

H. R. 22301. An act authorizing the Secretary of the Treasury to convey to the city of Uvalde, Tex., a certain strip of land;

H. R. 22343. An act to require supervising inspectors, Steamboat-Inspection Service, to submit their annual reports at the end of each fiscal year;

H. R. 12013. An act to authorize the Secretary of the Treasury to convey to the city of Corsicana, Tex., certain lands for alley purposes;

H. R. 13774. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 22731. An act to extend the time for the construction of a dam across the Pend Oreille River, Wash.;

H. R. 14083. An act to create a new division of the southern judicial district of Texas and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes; and

H. J. Res. 39. Proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT, by unanimous consent, by direction of the Committee on Naval Affairs, reported the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 710), was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. All points of order are reserved.

#### FRIAR LANDS IN THE PHILIPPINE ISLANDS.

Mr. QUEZON. Mr. Speaker, it is with great diffidence that I partake in the debate of the amendment offered by the distinguished gentleman from Pennsylvania [Mr. OLMSTED].

The United States acquired the public lands of the Philippines by treaty of peace with Spain, concluded in December, 1898. In the act of Congress entitled "An act temporarily to



provide for the administration of civil affairs in the Philippine Islands, and for other purposes," it was provided in section 12:

That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December 10, 1898, except such lands or other property as shall be designated by the President of the United States for military and other reservations of the Government of the United States, are hereby placed under the control of the Government of said Islands, to be administered for the benefit of the inhabitants thereof, except as provided in this act.

Thus the public lands of the Philippines were turned over to the Philippine Government to be administered for the benefit of the Filipino people.

By the provisions of section 15 of the same act the grant or sale and conveyance of these public lands by the Philippine Government is restricted to actual occupants and settlers and other citizens of the Philippine Islands, so that, no foreigner, nor even an American citizen, residing therein, is permitted to acquire any part or portion of said public lands. The object of the amendment of the gentleman from Pennsylvania, as he stated it, is that citizens of the United States shall not be excluded if they want public lands in the Philippine Islands subject to all the restrictions of the organic act.

Obviously, I am placed in a most delicate position. I can not, in discussing this matter, ask the Government of the United States not to give any portion of these lands to its own citizens. But I can make, and I feel justified in making certain points, leaving to the House the drawing of its own conclusions therefrom.

In the first place, Mr. Speaker, I wish to take exception to the statement of the gentleman from Pennsylvania that it would be an "outrageous" position for Congress to prohibit citizens of the United States to acquire public lands in the Philippines. I must say that I can not agree with the gentleman.

I believe that such a word as "outrageous" is hardly proper to qualify any action of Congress—the Congress of the United States—a body composed of the Representatives of 90,000,000 people, who are in the lead of progress and civilization; and least of all in this case, in which Congress for what it did, merited the respect and admiration of mankind, because in keeping the public lands of the Philippine Islands from its own citizens and reserving them only for the benefit of the Filipino people it has executed a generous action never surpassed in the history of any parliament in the world. [Applause.]

When I called the attention of the Insular Committee last year to the fact that the Philippine Government was permitting the acquisition of public lands in the Philippine Islands by citizens of the United States, which, I contended, was prohibited by the organic act, the secretary of the interior department of the Philippines, Mr. Worcester, took issue with me on the subject, and made the following suggestion, which reveals his trend of mind on Philippine affairs: "It would be rather remarkable, Señor QUEZON, if a sovereign country would refuse to sell its own lands to its own people. That would be an anomaly, would it not?" I answered, "Not at all. It is altruism on the part of the sovereign country to keep the lands of the acquired territory for the people thereof, and the refusal to sell the lands to the citizens of the sovereign Nation indicates that there is no intention of permanently annexing the acquired territory."

Why, Mr. Speaker, that which Secretary Worcester calls an "anomaly" is the proof that the United States is but temporarily in the Philippines, and that it has acquired the islands, not to exploit them, but for the purpose of helping the Filipino people, and of guarding their interests. [Applause.]

A few days ago the gentleman from Wisconsin [Mr. COOPER] in the course of his remarks on this bill said that the provision of the organic act creating the Philippine Assembly, which was so bitterly fought on the floor of this House, is the very provision that helped this Government to accomplish whatever success it had in the Philippine Islands. The gentleman might have added that the provision of the organic act which excludes everybody from acquiring public lands, except Philippine citizens, is the one provision that told the Filipinos, in deeds, not in words, that the policy of this Government in the Philippine Islands is a policy of self-denial and altruism, or, as it has been officially termed, the policy of "the Philippines for the Filipinos." [Applause.]

The adoption of the amendment of the gentleman from Pennsylvania would, of course, mean the reversing of this policy.

Now, the first point that I wish to make is this: Is Congress ready to depart from its policy—the Philippines for the Filipinos—adopted in 1902; has anything taken place since the passage of the organic act that warrants a diametrically opposite course in dealing with the islands; has Congress already decided that the Philippine public lands are not to be kept for

the exclusive benefit of the Filipino people, but also for the benefit of citizens of the United States; what is the event, if any, that calls for a revolution in the humanitarian, just, and wise policy so far pursued by Congress with regard to the Philippines?

Let us consider the amendment of the gentleman from Pennsylvania from the standpoint of its practical results. Personally I have no objection to allowing any American citizen to acquire 40 acres of land in the Philippine Islands. I would say more than that. I would say that I shall be glad to have any citizen of the United States, residing in the Philippine Islands, acquire 40 acres of land for his farm, because every American living in the Philippines who acquires 40 acres of land, and farms it, will no longer be a citizen of the United States, but he will become a citizen of the Philippine Islands. [Applause.] He may not be legally a citizen of the Philippine Islands, for no one except a native Filipino can acquire that citizenship according to our present laws, but he surely will be, for all practical purposes, a Filipino. Ah, Mr. Speaker, the man who is firmly rooted in the soil of a country, through the ownership of a piece of land, which he works himself, that man becomes a real citizen of that country, all laws to the contrary notwithstanding. He becomes as thorough a patriot as any native-born inhabitant; and every American who wishes to be our brother, who wants to be a Filipino and to link his fate with that of our little but dear country is cordially welcome.

But, will the amendment of the gentleman from Pennsylvania have this desirable result at all? Will any American care to acquire 40 acres of public land in the Philippines for his home and his farm? I do not think so. In fact, though the Philippine Government, transgressing its constitutional limitations, has already legislated that American citizens may acquire homesteads in the Philippines, I know of not a single instance wherein an American has taken advantage of this privilege, and the explanation of this is obvious. The Philippines, as a tropical country, are not particularly adapted to be the permanent home of an American, and no one, for the mere sake of acquiring 40 acres of land, when he can obtain 160 acres for homestead in this, his own country, will care to undergo the hardships imposed by the Tropics upon the white people. Citizens of the United States resident in the Philippines are but temporary residents there. They do not hope to live and die in the islands. The whole American population is composed of two classes—employees and business men. The former have no time to farm 40 acres of land, and if they had, they should not be allowed to acquire Government land. The latter do not care to farm 40 acres of land.

What good, then, will this amendment do for the Americans in the Philippines?

I am afraid, Mr. Speaker, that if this amendment should pass it will not procure for the Philippines *bona fide* American settlers, but it will only be taken advantage of for the purpose of defeating the will of Congress to prevent the exploitation of large tracts of land in the islands by absentee landlords. [Applause.]

Mr. OLMSTED. Will the gentleman yield for an inquiry?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. In the law relating to Philippine lands there is this provision, after providing for sales of 16 hectares and not more—

that the grant and sale of such land, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement, and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee shall not alienate such lands or the title thereto.

That is the law now?

Mr. QUEZON. Yes, sir.

Mr. OLMSTED. My amendment is that any American citizen may purchase, subject to the conditions and restrictions of this act.

Mr. QUEZON. Yes, sir; I understand that.

Mr. OLMSTED. Therefore he would have to live on the land he purchased for five years continuously and improve it, and he could not sell it or mortgage it for five years. Now, does the gentleman from the Philippines object to the purchase of 40 acres of land by a citizen of the United States to live upon continuously for five years under the conditions of that act.

Mr. QUEZON. I have already stated, Mr. Speaker, that I have no objection to that proposition, but I also say that it will not work as the gentleman from Pennsylvania desires. No citizen of the United States will ever want 40 acres of land in the Philippines under those conditions, and the gentleman is wise enough to realize that I am right in my assertion. If all that the gentleman from Pennsylvania is seeking for is what he has just stated, he may just as well withdraw his amendment, for I can assure the gentleman that it will be



of no use. If the gentleman is trying to press his amendment because of the question of principle therein involved, then it would be a different matter. To what I have already said on that point I shall have something more to add later on.

The trouble, Mr. Speaker, comes, or rather will come if the amendment is adopted, from those words recited by the gentleman, "subject to the conditions and restrictions of this act," which words have become very famous during the last year or two, thanks to the various interpretations given to them by very distinguished lawyers.

As history repeats itself, it is more than probable that, some time after this amendment has been adopted, an unusually brilliant legal mind will give birth to a lucid and wonderful construction of that language, and to the astonishment of the gentleman from Pennsylvania, author of the amendment, who now knows what he means by it, we will learn that his amendment has authorized the Philippine Government to dispose of Philippine public lands in such manner that somebody from Wall Street will be owning thousands and thousands of acres of public lands in the Philippine Islands by virtue of said amendment. I know that the gentleman will think that my fears are rather fantastic, but it is well to profit from the experience of others, and the experience of the gentleman from Wisconsin [Mr. COOPER], as well as of the gentleman from Virginia [Mr. JONES], is fresh enough in our memory to be overlooked. We know that both of these gentlemen understood at the time of the framing of the organic act that the words "subject to the limitations and condition provided for in this act," used in section 65 thereof, meant that the friar lands could not be sold in excess of 40 acres to individuals and 2,500 acres to corporations; but they are now puzzled to hear that such language means nothing of the sort.

Again, if the gentleman from Pennsylvania should say that the language of the law is so clear in this case that there will be no opportunity for misconstruction of it, I would call the gentleman's attention to the fact that no section of the organic act is so plain in its language as section 75, which prohibits the ownership of more than 2,500 acres of land by corporations and declares it unlawful for any member of a corporation engaged in agriculture to be in any wise interested in any other corporation engaged in agriculture. Yet the recent investigation of the Insular Committee of the interior department of the Philippine Islands, conducted by the gentleman himself, has disclosed the fact that the letter and spirit of that section has been of no consequence in so far as preventing the Sugar Trust from owning about 65,000 acres of land in one tract in Mindoro.

Let me refresh the memory of the gentleman on this subject.

Mr. OLMSTED. The gentleman from the Philippines can not refresh my memory on that, because the Sugar Trust does not own an acre of land in the Philippines.

Mr. QUEZON. Well, the late Representative from Kansas, Judge Madison; the gentleman from Iowa, Judge HUBBARD; and the gentleman from Minnesota, Judge DAVIS, in their report on that investigation, said that those lands were not acquired by the Sugar Trust, but by "its next-door neighbor." [Laughter.]

Mr. OLMSTED. That is different.

Mr. QUEZON. I admit that there is some difference between my language and that used by the gentlemen whom I cited, but it is only in the form. The facts disclosed in that investigation, Mr. Speaker, are these. No sooner had the Payne-Aldrich bill been passed, which permitted the entrance into this country of 300,000 tons of sugar, free of duty, from the Philippines, than Mr. Welch, a man engaged in sugar business in Hawaii, Cuba, and Porto Rico; Mr. Havemeyer, a stockholder of the Sugar Trust; and Mr. Senff, a man who has been vice president of that trust, tried to acquire sugar lands in the Philippine Islands for the purpose of taking advantage of that tariff. They sent a man down there by the name of Poole, who bought from the Philippine Government the friar land known as the San Jose estate of 55,000 acres. As soon as these lands were acquired, the same gentlemen, Mr. Welch, Mr. Senff, and Mr. Havemeyer, organized the Mindoro Development Co. for the purpose of establishing a sugar central on that estate.

But the estate was 12 miles away from the only available harbor—the Bay of Mangarin—and this fact was an obstacle to the speedy and convenient transportation of the manufactured sugar from the factory to the market. The land lying between the estate and the bay was of the public domain of the Philippine Islands and it had an area of about 9,000 acres, an amount of land which they could not acquire by themselves under the law. Such expert sugar business men as these gentlemen are, who had experience in operating large sugar plantations in Porto Rico, where only 500 acres is the maximum allowed to be owned by corporations, were not of course going to be stopped in their new enterprise by such a small thing as the land and

corporation laws of the Philippines. What did they do to acquire these public lands in spite of these laws? Nothing less than to organize three corporations in California, the stockholders of these corporations being the wife, brothers-in-law, relatives, and employees of Mr. Welch, the directing mind of the whole affair. These corporations, through the same man, Mr. Poole, who bought for Messrs. Welch, Senff, and Havemeyer the San Jose estate, purchased the public land desired, which, at the same time that it provided a means of communication between the San Jose estate and the bay, enlarged by several thousand acres more the area of the already immense San Jose estate.

Thus we have the sugar central of the Mindoro Development Co., owned by Messrs. Welch, Senff & Havemeyer, and managed by Mr. Poole, built for the purpose of manufacturing the cane raised on the San Jose estate and on the land of the three California agricultural corporations. Then the San Jose estate, owned by Messrs. Welch, Senff & Havemeyer, purchased through Mr. Poole and managed by Mr. Poole, for the purpose of raising cane to be manufactured by the Mindoro Development Co., and then the three California agricultural corporations, composed of the wife, brothers-in-law, relatives, and employees of Mr. Welch, whose lands were acquired through Mr. Poole and are managed by Mr. Poole, and are dedicated to the raising of sugar cane for the Mindoro Development Co., and to affording a right of way to the railroad which will transport the manufactured sugar from the San Jose estate to the Bay of Mangarin.

Now, Mr. Speaker, if these combinations are not a clear evasion of the land and corporation laws of the Philippines, which prohibit the ownership of more than 2,500 acres of land by a corporation and declare it illegal for the stockholders of one agricultural corporation to be interested in any shape or manner in any other agricultural corporation; if these facts which I have related and which are admitted as proven by all the members of the Committee on Insular Affairs, without a single exception, are not an evasion of those laws, then I want to know what would be an evasion of those laws. In fact, the whole transaction was not merely an evasion, but a violation of those laws. Note, Mr. Speaker, that the conclusion which all of us must derive from the stated facts, to wit, that the same men own the sugar central, the San Jose estate, and the three California corporations is admitted by Mr. Welch himself the moving spirit of the enterprise.

Here is what Mr. Welch said, declaring before the Committee on Insular Affairs on the investigation I am alluding to:

As far as the San Jose estate and the Mindoro Development Co. are concerned, there is a mighty close community of interest. We are practically the same; there is no getting away from that.

[Laughter.]

And answering a question about the three California agricultural companies, he said:

Yes; we are quite a family party.

[Laughter.]

Is it not evident, Mr. Speaker, that the provision of the land and corporation laws of the Philippine Islands meant nothing to "quite a family party," which was determined to own, hold, and operate from New York and San Francisco 66,000 acres of land in one tract?

Mr. JONES. Fifty-six thousand.

Mr. QUEZON. Including the California corporations, it is 66,000 acres.

What became of that wise policy of Congress of eradicating the system of absentee landlordism, and wherefor we bonded ourselves for \$7,000,000? Perhaps some one may think that we are improving in our condition, for, instead of religious orders, our new landlords are society men, magnates of Wall Street. But Judge DAVIS, from Minnesota, and Mr. MORSE, from Wisconsin, Republican members of the Insular Committee, do not take this view. They say:

The masters in place of being high-minded religious monks will be sugar lords, residing in America, and through their superintendents and foremen they will reduce the inhabitants of the lands to a condition of servitude.

Mr. Speaker, the beauty of the investigation, which we owe to the gentleman from Colorado [Mr. MARTIN], is that Congress has had an opportunity to see with its own eyes how the organic act has operated in the Philippines in so far as preventing the exploitation of the islands by absentee landlords. It will be interesting for the Members to hear what Senator Teller said on this subject in 1902, discussing the effect of the provision of the organic act, which prohibits the ownership of more than a certain number of acres of land by corporations. At that time the limit contained in the bill was 5,000 acres. Let me read the remarks of the Senator.

I want some one to tell me why a corporation should be permitted to take 5,000 acres of land there. If one corporation can take 5,000 acres, 10 corporations might each take 5,000 acres, and a hundred



corporations might each take 5,000 acres. There is no limit to the number of corporations that may go there, and after they have taken the land and got their title, if they should conclude to form a combination, they could do that, I suppose, although there is a provision here which says "This provision shall be held to prevent any corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture." That, I suppose, was put in the bill as a sort of sop to the people who might be afraid of consolidation; but there is no man living in this day who has given any attention to the affairs of our country for the last two or three years who does not know that it will amount to absolutely nothing, and that if 50 corporations, having each 5,000 acres, should conclude to enter into a combination, they could do it in spite of all the Filipinos and all the United States besides.

It would, I am sure, gratify Senator Teller to know that by these remarks he has acquired a good title to be called a prophet, except that although he foresaw the possibility of combinations being made by companies after they had acquired these lands from the Government, he had not suspected that such combinations could be made before the purchase of the lands, for he always took it for granted that the Philippine Government would not, on the face of said combinations and the injunction of the law, dare to sell said lands to these corporations.

Mr. MANN. Will the gentleman yield for a question?

Mr. QUEZON. Yes, sir; with pleasure.

Mr. MANN. In reference to the amendment offered by the gentleman from Pennsylvania, which recommended the purchase of 40 acres by an American citizen, can the gentleman inform the House whether there has, in his opinion, been any violation of the law or the spirit of the law concerning the sale of 40 acres to persons who must occupy it for five years?

Mr. QUEZON. I do not know that there has been any violation so far. It has not been necessary. It has been easier and more effective and, no doubt, more profitable to violate the law concerning corporations.

Mr. MANN. The amendment of the gentleman from Pennsylvania does not affect at all the question of corporations, nor does the report of the bill affect the question of the purchase by corporations, which, I should agree with the gentleman, ought to be controlled. The gentleman says there may be an evasion of the law in reference to the sale of 40 acres, and cites what may be true—I do not know—an evasion of the spirit of the law by corporations. But, after all, what has that to do with this proposition?

Mr. QUEZON. I stated these facts merely to show how careless the Philippine Government has been in enforcing the land policy of this Government in the islands. If that was so when such policy was so strict as to prohibit the ownership of public lands by American citizens, what would the Philippine Government do when they see, from the adoption of the amendment of the gentleman from Pennsylvania, that Congress has adopted a principle with regard to the disposition of public lands in the Philippines opposite to the one pursued so far? The Philippine Commission would undoubtedly construe this action of Congress as indicative of a disposition to fall in line with its wishes on the matter.

Mr. MANN. Of course, that might be a matter of construction. Will the gentleman yield for one more question?

Mr. QUEZON. Yes, sir.

Mr. MANN. Do I understand that the organic law referred to prohibits, in the gentleman's opinion, an American citizen from purchasing 40 acres of land, but permits an American corporation to purchase 2,500 acres of land?

Mr. QUEZON. I do not think I quite understand the gentleman's question.

Mr. MANN. Do I understand the gentleman's construction of the organic law to be that the law does not permit an American citizen to purchase 40 acres of land which he may occupy himself, but does permit an American corporation to purchase 2,500 acres of land?

Mr. QUEZON. I do not believe that the law permits an American corporation to purchase 2,500 acres of land, but it has been allowed by the Philippine Government.

Mr. MANN. Does the gentleman say that the organic law does not permit an American citizen to purchase 40 acres of land?

Mr. QUEZON. Yes, sir; I do; nor does it permit an American corporation to purchase or lease 2,500 acres.

Mr. OLMSTED. Oh, I think the gentleman is entirely mistaken about that.

Mr. QUEZON. Well, that is a matter of construction, and I am not going into a legal discussion now. It is a question of opinion, and the gentleman's and mine seem to be generally at variance.

Mr. MANN. I will say that if the law does not permit an American citizen to purchase 40 acres of land, which he may cultivate himself and live upon, but does permit an American

corporation to purchase 2,500 acres, then we ought speedily to amend that law.

Mr. QUEZON. When the organic act does not permit an American citizen to acquire 40 acres of land, it is inconceivable that it shall allow an American corporation to acquire 2,500 acres. That would not be consistent, and Congress is very consistent in its legislation.

Mr. MANN. That is very complimentary, but I am not sure that it is always correct.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. QUEZON. Certainly.

Mr. TOWNER. Did I understand the gentleman to say that the present Government of the Philippines was not disposed to act in the interest of the Filipino people?

Mr. QUEZON. I did not say so. I said that the Philippine Government does not sympathize with the policy of Congress regarding the disposition of the public domain in the Philippine Islands. Said Government does what it thinks the law ought to allow and not what the law does allow.

Mr. TOWNER. But is it not true that the Philippine Government is composed at least in part of the Philippine people themselves?

Mr. JONES. Mr. Speaker, will the gentleman permit me just one word there?

Mr. TOWNER. I do not know that it is necessary for the gentleman from Virginia to come to the rescue of the gentleman from the Philippines. He seems to be able to take care of himself.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. QUEZON. I yield to the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I think the gentleman will not object to my making this remark, because I wanted to suggest it a week ago. I think the gentleman was then laboring under a misapprehension. During the remarks of the gentleman a week ago he asked if those lands which were in the non-Christian Provinces were not entirely under the control of the Philippine Commission and those in the Christian Provinces under the control of the legislature. What I wanted to say to the gentleman is this: I think he was entirely correct as to the general proposition that the Philippine Commission has charge of the affairs of the non-Christian Provinces and the legislature of the Christian Provinces, but we have spoken of the Philippine Commission disposing of these lands. The commission is not disposing of them. It is the secretary of the interior. The commission is not doing it at all. The secretary of the interior and the director of lands in his department are disposing of these lands. The commission as a commission has nothing in the world to do with the lands either in the Christian or the non-Christian Provinces. It is one of the branches of the legislature, and I think the gentleman was laboring under a misapprehension the other day when he asked that question, and I desired to explain it to him.

Mr. TOWNER. Mr. Speaker, if the gentleman from the Philippines will permit this statement in his time—

Mr. QUEZON. Mr. Speaker, if the gentleman from Iowa will allow me, I desire to answer his question in addition to what the gentleman from Virginia has said. As I stated a few days ago, the Philippine Government is not really controlled by the Filipino people, but, on the contrary, it is practically controlled by the Philippine Commission, which is appointed by the President of the United States without the advice, much less the consent, of the Filipino people.

Now, the gentleman ought to know that while there may be some ground for the assertion that the Philippine Legislature is composed, at least in part, of the Filipino people themselves, there is not the least foundation for the assertion that the executive power of that government is shared in any wise or manner by the Filipino people. My complaint is that the executive branch of the Philippine Government is not carrying out the policy of Congress, or in other words, is not executing the provisions of the organic act regarding the disposition of Government lands in the Philippine Islands. To be more specific, my complaint is directed against the Secretary of the Interior, who is the head of the department responsible for the administration of Government lands in the Philippines, the Hon. Dean C. Worcester, and the Director of Public Lands, Mr. Sleeper. The Filipino people had nothing to do at all with the appointment of these gentlemen, and if they could they would have long ago removed both of them from their respective positions. Secretary Worcester is the most unpopular official in the Philippine Government, and has been so for a long time. During the last two years he has become obnoxious to the Filipinos owing to some uncalled-for remarks, which he made publicly, reflecting upon the character of the people at large. Besides,



his suit presented against the editors and owners of the newspaper *El Renacimiento* for libel, and wherefore he got many thousands of dollars from the defendants while the criminal case is still pending of appeal before the Supreme Court of the United States, has belittled him in the public eye. The article published in that paper, which Secretary Worcester denounced as libelous, as compared with the articles we read every day in the newspapers of this country denouncing public officials, would read like a praise, and yet in the Philippines, where we are supposed to have the same freedom of the press that you have here, but where the judges are appointed and kept in office at the pleasure of the Philippine Commission, an influential member of which Secretary Worcester is, that article caused the ruin of all the owners and editors of *El Renacimiento* and the conviction of the editors.

Mr. Speaker, it is unfortunate for the Filipino people, and equally unfortunate for the United States, that the man in charge of the most important department of the Philippine Government, the interior department, the department to which the care and administration of the natural wealth of the islands is intrusted, is a man who does not believe in the wisdom of the policy of Congress regarding the disposition of that wealth, and who has antagonized the people whose interests he is supposed to look out for.

I have nothing personally against Mr. Worcester. While even among Americans in the Philippines there are complaints against his lack of tact in dealing with the public, he has treated me with courtesy whenever, officially or personally, I had something to do with him. In fact, I am one of the few Filipinos who has been honored by being complimented in two official reports by the Secretary of the Interior. I mention this in order to disabuse the mind of anyone who may believe that I have any personal grievance against Mr. Worcester. I admit that he has a wonderful mind and is a hard-working man, but I can see very little benefit for the Filipino people to be derived from his industry and intellectual equipment, when the people have no confidence in him, when the people, rightly or wrongly, are convinced that he is not working for their welfare, and when, at least, in the administration of Government lands, it has been evidenced—what he has never tried to conceal—that he is not in accord with the policy of Congress and has not been very particular in executing it.

Mr. Speaker, I sincerely hope that the War Department may, at last, take notice of the fact that it is utterly impossible for this Government to carry out successfully the administration of the islands when the appointed officials are not supported by the Filipino people, much less when they become plainly objectionable to them. I have been urging for the last year that Secretary Worcester may be permitted to retire from his present position, with no avail. The War Department's position is that Mr. Worcester is an honest and competent man and that the opposition to him of the Filipino people, due to his lack of tact, is not a sufficient ground for asking his resignation. This view of the War Department is, I believe, wrong. Tactfulness is needed in a man if he is to be a successful administrator as much as any other quality. A public official is a servant of the people, and he ought to know how to treat the people. Secretary Worcester has been a member of the Philippine Commission ever since the occupation of the islands, and he has been so long accustomed to exercise an executive authority that I am afraid he has become a ruler.

Mr. TOWNER. Mr. Speaker, let me make this statement in regard to the matter. The administrative officers of the Philippine Government are under the direction and control, first, of the law, the organic law, which prescribes:

That these lands may be held, sold and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act.

That gives the Philippine Government absolute power to dispose of those lands. If it is disposed of by the executive officers of the Philippine Government, they must act under the power which the Philippine Government has, composed not only of the commission selected by the Government of the United States, but by an assembly which is selected by the Philippine people themselves, and these lands can not be disposed of unless it shall be by the affirmative act of the lower branch of the Philippine Legislature. And that is the trouble with the gentleman's whole theory. Will the gentleman pardon me for another question?

Mr. QUEZON. Yes, sir; gladly.

Mr. TOWNER. I understood the gentleman to say that the law was being evaded which prescribed that no part of the public land shall be sold except in limitations of 40 acres to an individual. I was correct in that, was I not?

Mr. QUEZON. No; did I say that the law which limits the sale of public lands to 40 acres to an individual has been evaded?

Mr. TOWNER. Yes, sir.

Mr. QUEZON. I did not say so, unless the gentleman refers to my contention, seemingly admitted now by everybody as being correct, that the Philippine Government, in permitting Americans to buy 40 acres of land, violates that law.

Mr. TOWNER. I understood the gentleman to say so.

Mr. QUEZON. I spoke of the evasion of the law which prohibits the ownership of more than 2,500 acres of land by corporations.

Mr. TOWNER. Well, it make no difference; it is the provision of the general law with regard to the disposition of the public lands, and the gentleman said that the law has been evaded in the instance where these individuals who were related to the persons who had acquired 50,000 acres and who had also acquired, by a violation of the law, some 7,000 acres besides. Was I correct in so understanding?

Mr. QUEZON. I said, Mr. Speaker, that the late Judge Madison, of Kansas, Judge HUBBARD, and the gentleman from Minnesota, Judge DAVIS, are of that opinion, and that I agree with them. I will read to the gentleman what they say about it.

The San Jose incident is one that should stand as a warning both to the Philippine Government and to the United States. Mr. Welch had no sooner acquired the San Jose estate for himself and immediate associates than he caused to be organized what was described in the majority report as the California corporation.

The stockholders of these corporations are made up of his wife, brothers-in-law, business associates, and clerks. Of course, he is the dominating figure, and by the community of interest that is apparent in the situation there is, to all practical intents and purposes, a holding of about 62,000 acres of Philippine land by one person. It is possible that Mr. Welch and these California corporations and their stockholders have violated the prohibitions of section 75, against members of one corporation engaged in agriculture being interested in similar corporations, and in the light of the testimony developed in this hearing that matter should have the attention of the Philippine law officers.

And on this same question the minority report says:

Considering these astounding facts, it is difficult to escape the conclusion that the land laws of the Philippines are being evaded in a most shameless manner.

[Applause.]

Mr. TOWNER. Now, if I may be permitted, I would like to have the gentleman say whether he is not now asking that these lands should be put under the same provisions that were thus evaded in the instance of which he spoke. In other words, he is asking that these friar lands shall be subject to the same laws that he says have been thus easily evaded in the instance that he mentioned. Is that true?

Mr. QUEZON. I am asking that the laws which regulate the sales of public lands and which, in my opinion, already regulate the sales of friar lands, be specifically applied to the friar lands in order to avoid further contention. But I am not asking that because those laws have been evaded in the case of public lands that they also be evaded in the case of the friar lands. [Applause.]

Mr. TOWNER. Certainly; I did not understand that the gentleman was asking that the land laws be evaded, but he is asking that these lands shall be placed under the same laws which were thus evaded.

Mr. QUEZON. Yes, Mr. Speaker, with the hope that by Congress taking this action, the Philippine Government will understand clearly that Congress meant to enforce its law in the Philippines with regard to the disposition of Government lands. That is my main object. I want this Congress to do something which will remind the Philippine Government that when Congress enacted the organic act, trying to prevent the sale of Government lands in large tracts, it did so, knowing what it was legislating for, and meaning that this legislation should be complied with by those in charge of the execution of the laws in the Philippines. [Applause.]

Mr. MANN. May I ask the gentleman a question—

Mr. QUEZON. Yes, sir.

Mr. MANN. For information which very likely has been answered before, as I have not heard all of the debate. In the cultivation and production of sugar in the Philippine Islands is it necessary to have large tracts consolidated under one management?

Mr. QUEZON. I do not think so, Mr. Speaker. Will the gentleman from Illinois [Mr. MANN] repeat his question?

Mr. MANN. I simply wanted to know, in the opinion of the gentleman, whether tracts of land held in small areas are available for the profitable production of sugar.

Mr. QUEZON. I think so. I believe that the sugar industry in the Philippines could grow without the necessity of selling Government lands in large tracts. In the first place, there are already in private ownership all the land needed to produce over 300,000 tons of sugar, which is the maximum of sugar that



we can produce now with profit. If gentlemen who want to establish sugar centrals in the Philippines will establish them in the Provinces where the cane sugar is being raised by the Filipinos themselves, they would have enough cane for all the sugar that their central could manufacture every year, with profit to themselves and benefit to the people. In fact, Mr. Speaker, while I was in the Philippines, two years ago, I learned that the farmers of Negros were anxious to enter into an agreement with some one who would establish a sugar central in that Province to supply him with all the cane he wanted. I even favored the idea of having a sugar central established and operated by the Philippine Government, in a given territory wherein there are many small sugar-land owners, with a view of teaching these farmers the modern system of manufacturing the sugar, and later on selling the central to them.

Now, Mr. Speaker, I do not want to take much more of the time of the House, but I wish to—

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman a question along that line. Is it desirable that large sugar plantations should be established in the Philippine Islands at the present time or in the near future?

Mr. QUEZON. I do not think so, Mr. Speaker, and I have already expressed my opinion on the subject.

Mr. FOWLER. Is there not another crop which produces a larger income—to wit, copra—than sugar does to the tiller of the soil?

Mr. QUEZON. Yes, sir.

Mr. FOWLER. How does the income of the copra compare with the income of sugar on 40 acres of land?

Mr. QUEZON. There is no comparison.

Mr. FOWLER. Which is the greater?

Mr. QUEZON. The copra.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. QUEZON. Yes, sir.

Mr. COOPER. Will the gentleman permit me to answer the question which was asked of him by the gentleman from Illinois as to whether it is advisable to have large sugar plantations in the Philippines? I quote from what the Secretary of War said in a report to President Roosevelt on January 23, 1908:

Nor would I regard it as a beneficial result for the Philippine Islands to have the fields of those islands turned exclusively to the growth of sugar. The social conditions that this would bring about would not promise well for the political and industrial development of the people, because the cane-sugar industry makes a society in which there are wealthy landowners, holding very large estates with most valuable and expensive plants and a large population of unskilled labor, with no small farming or middle class tending to build up a conservative, self-respecting community from bottom to top.

That is also what the Committee on Insular Affairs thought in 1902 when they presented this bill. That is what everybody thinks who has really at heart the welfare of the people of the Philippine Islands.

Mr. QUEZON. Mr. Speaker, if what I have said has given the impression that I accuse the Philippine Commission of dishonesty of purpose in administering the affairs of the islands, I wish to efface that impression before taking my seat. I believe that it would be unjust to the commissioners to say that they mean to injure the Filipino people. I believe that they are doing what they think is the best for the Filipinos, and I am glad to add that, as a rule, the officials of the Philippines are of a high moral character. But it is not the question whether they mean well or not. My contention is that they have no right to determine what the policy of the United States in the Philippines shall be, for this is exclusively the right of Congress, and that it is the duty of the insular officials to execute faithfully and strictly the will of Congress.

After all, no one who is familiar with the history of colonial governments ought to be surprised to learn of the manner in which the act of Congress has been complied with in the Philippines by the Philippine Government. Colonial governments are by their nature essentially wrong, and sooner or later they degenerate into a government of man instead of a government of law. The instance of the officials in the islands, doing what they think the law should be and not what the law is, is an illustration of this fact, and the more emphasis is put upon the wisdom and honesty of those officials the better this instance illustrates the theory of that great statesman, John Stuart Mill, who said:

The government of a people by itself has a meaning and a reality, but such a thing as a government of one people by another does not and can not exist. One people might keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm to be worked for the profits of its own inhabitants; but if the good of the government is the proper business of a government, it is utterly impossible that a foreign people should directly attend to it.

Now, Mr. Speaker, there is one more point that I wish to make in connection with the amendment of the gentleman from Pennsylvania.

It is a good economic principle, universally admitted, that public lands should not be disposed of to foreigners. As Americans residing in the islands are not, according to the organic act, citizens of the Philippines, they are consequently foreigners. This being so, they ought to be excluded from the acquisition of public lands in the islands as much as any other foreigner. It must be borne in mind that although the Philippines are actually under the sovereignty and control of this Government by virtue of the treaty of peace with Spain, they have not been declared a permanent territory of the United States; but, on the contrary, the same Senate which ratified said treaty passed a resolution on the 14th of February, 1899, introduced by Senator McEnery, of Louisiana, the first paragraph of which is as follows:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States.

This resolution, coupled with the declarations made by Presidents of the United States and other officials of this Government are, and it is so understood by both the American and the Filipino people, expressive of a policy looking toward the severance of the political tie between the Philippines and the United States and the Filipinos and Americans.

It is this policy that inspired the section of the organic act, which the gentleman from Pennsylvania is trying to amend, for it is because of this policy that the Government of the United States has never considered the public lands of the Philippines as a part of the public domain of the United States, to be administered and disposed of for the benefit of the American people, but as the property of the Filipino people, kept in trust by the United States to be administered temporarily by the American Government in the Philippines for the benefit of said Filipino people until such time when the independence of the islands shall have been recognized and granted by this Government.

Let us see what Dr. Schurman, president of Cornell University, has to say on this subject. I read from one of his many instructive speeches on the Philippines:

Our sovereignty over the Philippines is simply a responsibility for administering a trust on behalf of the people until the people are so organized politically that they may undertake it for themselves. We speak of our territorial acquisition from Spain as "insular possessions," but do we own anything in the Philippines? The title to the public lands rests, indeed, in the United States, but we hold them in trust for the Philippine people and government. The word "possession" is a survival from barbarous times when conquering nations seized the lands of the conquered and levied tribute upon them.

The opinion of Dr. Schurman in this matter is not only weighty because he is internationally known as an authority in political economy, but because he was the first president of the first Philippine Commission, sent by President McKinley to the Philippine Islands as soon as the treaty of peace was concluded between the United States and Spain. President Schurman was, doubtless, informed of the sense in which this Government has assumed sovereignty over the Philippines.

In the light of the foregoing considerations, it would seem that the amendment of the gentleman from Pennsylvania can not be accepted, unless Congress has already decided that the Philippines are forever to be a Territory of the United States and that, therefore, Americans in the islands are entitled to recognition there, as much as they are entitled to recognition in any other State or Territory of the Union. This, of course, would mean the conferring of equal privilege on the Filipinos—that is, that they would be entitled to recognition in any State or Territory of the Union as much as any American citizen. In other words, if an American citizen should be allowed to acquire public land in the Philippines, the Filipinos, correspondingly, ought to be allowed to acquire public land in the United States, which, under the law as it now stands, they can not do unless they become, first, citizens of the United States, through the process that other foreigners have to undergo.

Now, Mr. Speaker, is the House ready to say that the Philippine Islands are to be permanently a Territory of the United States? Is the House ready to declare that the Filipinos are already on an equal footing with the American citizens and that they are, in fact, American citizens? Without first answering these questions affirmatively, the House can not consistently, with modern principles of government and in line with the laws of nature, approve the amendment of the gentleman from Pennsylvania.

Suppose you pass this amendment, and within this or the next session of Congress you enact into law the pending Philippine independence bill, would you then think that it would be right to allow American citizens, without requiring them to acquire Philippine citizenship, to obtain public lands in the Philippine Islands?



Just one word more, Mr. Speaker, and I am through. I hope the House has not understood me as being an anti-American. As I have stated in the beginning of my remarks, I should be very glad to see Americans in the Philippines owning and farming 40 acres of land, because every one who would own and farm that little piece of land would surely make the Philippines his permanent home, and whenever a man makes up his mind to live and die in one country he becomes as good a citizen of that country as any native thereof. I know of a few Americans who have decided to reside permanently in the Philippines, and they are a great help to us. I have just now in mind one of them, Mr. Frank W. Carpenter, the executive secretary. The Filipino people will be glad to enlist in the citizenship of the islands not only Americans but any foreigners who may desire to become Filipino citizens, and as a proof I cite the fact that we have been endeavoring, for many years, to have Congress amend the law regarding citizenship in the Philippines so as to permit anyone, who so desires, to become a citizen of the Philippines. We want good men to form a part of our body politic, and I do not know that there can be found anywhere in the world better men than the citizens of the United States. [Applause.]

Mr. Speaker, I ask unanimous consent to extend my remarks. The SPEAKER. The gentleman from the Philippines [Mr. QUEZON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE PHILIPPINE INDEPENDENCE BILL SHOULD BE ACTED UPON BY CONGRESS.

Mr. QUEZON. Mr. Speaker, I shall avail myself of the courtesy of the House to insert in the RECORD as a part of my remarks a cablegram which the Hon. Sergio Osmeña, speaker of the Philippine Assembly, and also the foremost leader of the Nationalist Party in the Philippines, sent me on March 25, regarding the Jones bill providing for Philippine independence. The cablegram says:

THE FILIPINO PEOPLE FAVOR JONES BILL.

QUEZON, Washington:

In answer to your cablegram wherein you advise me of the terms and conditions of the bill providing Philippine independence, introduced by Congressman JONES, of Virginia, chairman of the Insular Committee of the House, I beg to express my cordial indorsement of same on behalf of the Filipino people as speaker of the assembly and president of the Nationalist Party. The Filipino people en masse have hailed with enthusiasm and gratitude the news of this first step taken in Congress toward the realization of their ideal—the independence of the Philippines—the granting of which has always been considered by said people as a national pledge of the United States to be presently redeemed. The Filipino people are now and always have been convinced of their capability of establishing and maintaining an independent government, amply able to meet all its internal as well as international obligations; and knowing that no foreign government, no matter how altruistic it may be, can ever suit the wants of the islands, nor secure the happiness of the inhabitants thereof, said Filipino people are and always have been urging the recognition of their God-given right to be independent. The Filipino people, as a people, took up arms and fought with the United States against Spain not only for the purpose of throwing off the yoke of Spain, but for the purpose of being free from all foreign control. The Filipinos took the side of the Americans in the Spanish-American War in the firm belief that the prebellum declarations of the United States, its political tenets, and the negotiations between Consul General Pratt and Gen. Aguinaldo meant the sure recognition of Philippine independence as soon as that war shall have been over. Fully alive to its rights, convinced of its capability, and desirous of enjoying its national freedom, the Filipino people have always urged on the American people the granting of its immediate independence.

The Filipino people realize, however, that the contention, made by opponents of Philippine independence that they are incapable of maintaining an independent government, can only be satisfactorily answered by deeds, and, for this reason, the proposal of Congressman JONES that eight years must elapse before the granting and recognition of absolute and complete Philippine independence seems to be a necessary measure to solve that contention definitely. In view of this and as a further proof of their national self-control the Filipino people defer to the postponement for that period of the realization of their cherished ideal.

Please convey to Congressman JONES the sincere gratitude of the Filipino people for his efforts to secure for them the blessings of that national independence which made the United States so happy and so great.

Let me also congratulate you upon your unceasing campaign to present before Congress and the American people the just cause of your country, which is very fortunate in having you as the spokesman of its national aspirations.

OSMEÑA.

This cablegram need not be commented upon. It is an authoritative indorsement of the Philippine independence bill.

But it is not only the speaker who has indorsed said bill. From all over the archipelago cablegrams have been sent praising it, either directly to Mr. JONES himself or to me, by individuals and entities embracing all classes of people. One of the cablegrams addressed to me is signed by Mr. Teodoro Yanco, one of the richest Filipinos, well known by American officials as a very patriotic as well as substantial and conservative citizen. Mr. Yanco's foremost interest is, naturally, to have in the islands a stable government, capable of maintaining public order and protecting the rights and properties of the inhabitants

thereof. His indorsement of Mr. JONES's bill is not, therefore, prompted only by his love for the freedom of his country, but also by his conviction that such a government as that which said bill proposes to create will be competent to secure the liberty, happiness, and prosperity of the Filipino people. The cablegram reads:

QUEZON, Washington:

Meeting yesterday all classes Filipinos enthusiastically accepted Jones independence bill. Appointed committee representing all classes society. Beg you transmit Congress and American people our respects and confidence in their altruism and justice by passing Jones bill. Advise Legarda.

YANGCO.

When the business men thus join with the leaders of thought and the masses of the people in urging upon the Congress of the United States the passage of Mr. JONES's bill, there can be left no room for doubt as to the wisdom of said bill, at least, from the standpoint of the natives of the islands. The enthusiasm caused throughout the archipelago by the news of its mere introduction shows that the faith of the Filipino people in the United States has been revived with new vigor by this first step taken in Congress toward the granting of our national freedom.

Mr. Speaker, I do not know that the bill will be reached during the present session, but I sincerely hope that it will be acted upon, at the very latest, at the beginning of the next.

THE ANXIETY OF THE FILIPINOS AS TO THEIR FUTURE SHOULD BE SET AT REST.

I am not going to discuss now the provisions of Mr. JONES's bill, nor am I going to elaborate upon its wisdom and statesmanship. The report, No. 606, accompanying that bill, fully covers these points. The desire of the Filipino people to be independent from foreign yoke has been so invariably expressed in war as in peace that it need not be repeated. The capability of the Filipino people to establish and maintain an independent government has been the subject of such a great amount of literature and is, besides, so convincingly demonstrated in the same above-mentioned report, with arguments based upon facts, that further attempt of discussion here is useless. I shall simply note that Congressman JONES has personally been in the Philippines, making an impartial study of the condition of the people thereof, and, therefore, his report on the subject has a weight that can not be overestimated.

My concern at present is to insist that whatever differences of opinion there may be as to the wisdom of the Jones bill, it will not be fair to the people of the Philippines nor to the people of the United States to let that bill die of nonaction. The present undefined and indefinite relation between the United States and the Philippines is such as no similar precedent can be traced from in the history of this Nation. No colonial possession has ever been acquired by the United States. No colonial possession can ever be acquired by the United States, if it is to remain true to its traditions and to those principles upon which its very existence is founded. Territories have been acquired by this Nation either by purchase, as indemnity of war, or by agreement between the people of the United States and the people of the acquired territory, but in each and all these cases the acquired territory has been acquired with the understanding, from the very beginning, that it shall become permanently an integral part of the United States, to enjoy all the blessings of liberty enjoyed by the rest of the Union. Thus the political status of the heretofore acquired territories has always been settled at the outset. The form of government, from civil or military commission to territorial and statehood, was merely a matter of time, to suit the convenience and prejudices of the American people and their new brethren. The permanent relationship, never to be severed, was a question invariably decided prior to the acquisition.

Such is not the case with regard to the Philippines. The islands have been acquired by the United States as one of the accidents of the Spanish-American War. The Filipinos fought against the Spaniards as American allies not to become American citizens, much less American subjects, but to become citizens of their own independent government. This was known by the consular representatives of the United States in the Far East at the time when they sought and obtained the aid of the Filipinos, as it was also known by the commanders of the American Army and Navy who accepted that aid.

After the Spanish-American War was over, there came the question in the mind of the American people of whether or not the people of the islands were ready to establish and maintain an independent government of their own, but, while there were doubts as to this question, there was a consensus as to the fact that the former allies of this Nation could not be left under Spanish sovereignty without flagrant violation of the most elementary rules of fair dealing. Thus, in the treaty of peace,



Spain was forced to relinquish its sovereignty over the Philippines in favor of the United States.

To be sure, however, that the ratification of this treaty by the Senate of the United States did not mean the permanent annexation of the islands, a few days after said ratification took place, the Senate passed the following resolution:

That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into the citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States. But it is the intention of the United States to establish in said islands a government suitable to the wants and conditions of the inhabitants of said islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands. (Passed the Senate on the 14th day of February, 1899.)

The first part of this resolution has not been amended in any shape or manner so far, and the second part has not been complied with. No declaration of annexation has been made as yet, nor any other definite or final disposition of the islands. For the United States to continue further without knowing and saying what should be done with the Philippines, in the interest both of the American and Filipino people, is not very complimentary to the wisdom of Congress. Twelve years have gone by since that resolution of noncommitment was passed. If Congress have at heart, as I know it has, the interest of the people of the United States and the people of the Philippines alike, and if the Members of both Houses are equal to their tasks, as I know they are, there is no reason why Congress should not have had ample time and opportunity to find out what "disposition" of the islands "will best promote the interests of the citizens of the United States and the inhabitants of said islands."

The Philippine independence bill and the resolution for the permanent neutralization of the islands, both of which have been reported by the Insular Committee and committed to the Committee of the Whole House, offer an opportunity for Congress to express its will as to the future destiny of the Filipino people. Friends, and enemies as well, of Philippine independence should welcome the early discussion of both the bill and the resolution. They should let the people of this and my country know where they stand, and, in the name of justice, I appeal to all Congressmen and Senators to set at rest the anxiety of my people.

Mr. TOWNER. Mr. Speaker, I sincerely sympathize with what I conceive to be the point of view of the representative of the Philippines. Primarily in his mind is the thought of independence for the Philippines. Anything that in the remotest degree, in his judgment, would retard that much-desired consummation of his hopes is to him wrong.

Mr. QUEZON. Mr. Speaker, may I interrupt the gentleman for just one question?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from the Philippines?

Mr. TOWNER. Certainly.

Mr. QUEZON. Does the gentleman think that that is wrong in itself—my position, admitting that that is what he describes it? Does he think that that is wrong?

Mr. TOWNER. What I am saying, Mr. Speaker, is not in reproach of the gentleman from the Philippines. If I were a Filipino, as I am an American, I would probably act and think as he does. [Applause.] But from the standpoint of an American citizen I believe the gentleman's fears are not well founded.

Mr. Speaker, I also sympathize with the idea of other gentlemen on the floor of this House who do not desire that the lands of the Filipinos shall be exploited by corporations for selfish and mercenary purposes, regardless of the interests of the people of those islands. I will go as far as any other one in saying that no single thing should be done that would in any way exploit those islands at the expense of their people. And, Mr. Speaker, our own history with regard to the government of those islands from the time that they came into our possession has been a sufficient answer to that. It has been in no single act a selfish administration. It has not only been generous in the extreme, but from first to last it has been actuated by the highest motives.

But we are met to-day, Mr. Speaker, with a most astounding proposition to an American citizen. We are asked here to-day, as Representatives of the American people, to say that no American citizen shall be allowed to go to the Philippine Government and buy there of the public lands 40 acres for fear that it will result disastrously to those islands and their people. If we take that position, we must imagine that every American citizen who may desire to go to those islands can go there only with the most selfish and mercenary purposes.

Mr. GARRETT. Mr. Speaker, will the gentleman permit?

Mr. TOWNER. Certainly.

Mr. GARRETT. Does the gentleman state the proposition with entire accuracy? It is already the law that one can not do so.

Mr. TOWNER. With regard to these lands?

Mr. GARRETT. If not, then the amendment of the gentleman from Pennsylvania [Mr. OLMSTED] covers that.

Mr. TOWNER. The amendment of the gentleman from Pennsylvania [Mr. OLMSTED] is offered for the purpose of applying to this act that is contemplated to be passed, under the provisions of which an American citizen will be prevented from acquiring any part of these lands. Under the administration of the law so far there has been nothing to prevent an American citizen from acquiring a portion of these lands.

Mr. GARRETT. Under the administration of the law, no.

Mr. TOWNER. And the interpretation of it. And if this law is passed without this amendment the effect will be to prevent any American citizen from going to the Philippine Islands and acquiring 40 acres of that land.

Mr. MORSE of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MORSE of Wisconsin. I want to call the attention of the gentleman to a matter that escaped my notice for the time being, and I think has escaped the notice of the committee. It is the amendment adopted to the bill which provides that unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts, there shall be no such sale. We have given the Philippine Legislature the power to sell this land in any amount, under specific acts. Now, would the gentleman agree with me that by that amendment, and the other amendment if we adopt it, we give to American citizens the right to purchase many more acres than 40 acres, and surround that legislature with a lobby that they will be unable to resist?

Mr. TOWNER. I do not agree with the gentleman with regard to the lobby that they would not be able to resist. My imagination is not sufficient to carry me to that extreme; but I am not sure but the gentleman is right as to the effect of that amendment, if it should become a part of the law.

Mr. MORSE of Wisconsin. It has already been adopted, and has become a part of this bill.

Mr. TOWNER. I am not so sure as to what will be the effect of that law. Certainly the Members of this House, as it seems to me, can not afford to vote down an amendment of this kind. It is a reproach to American citizenship, to the manhood of America, that we will not allow an American citizen to buy a part of American land, held under the American flag, for fear of the ultimate consequences. It seems to me that to go to such an extreme as that is not warranted under any circumstances.

Now, Mr. Speaker, I have only this much to say with regard to this whole matter. Here is a little remnant of land consisting of 125,000 acres. This consists of only a few plantations, about 15 in number. It was proposed by the terms of this bill as originally presented that this land should not be disposed of by the Philippine Government, except in 40-acre tracts, to an individual. Now, if we adopt the amendment that has been prepared, it proposes that the Philippine Government may dispose of these lands as they may deem best in their own interest, and to that I entirely agree. Gentlemen here are asking this Congress to pass a law to give the Philippine Government absolute independence, to allow them to dispose of 60,000,000 acres of the public land as they choose, and yet would withhold from them, as this bill originally did, the right to dispose of only 125,000 acres for fear that they would not do it in their own interest; for fear that some lobby may surround them and seduce them from acting with regard to the best interests of their people. If the people of the Philippine Islands are not now capable of protecting their own interests with regard to the disposition of 125,000 acres of land, I am unable to understand how they can be allowed to dispose of 60,000,000 acres of land and undertake the entire government of the Philippine Islands besides.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MARTIN of South Dakota. Is it not the understanding of the gentleman that if this amendment is passed, permitting every citizen of the United States to purchase land, it will not be limited in its application to the remnant of these friar lands, but will be applicable to all of the public domain?

Mr. TOWNER. That is my understanding, but I was speaking generally of the bill as it was originally prepared. I have never regarded this proposition with the seriousness that some gentlemen do. I have not thought that it meant the exploitation of the islands to allow these 15 estates that were left to



be disposed of by the Philippine Government as it thought best. Two million dollars remain unpaid of the debt incurred by the Philippine Government for the purchase of these lands, and it was thought that if they could be allowed to dispose of this remnant as they chose in these tracts as they originally existed under the Spanish Government, that they would thus wipe out the unpaid portion of their debt. Certainly no gentleman in his own individual interest, having these lands to dispose of, would think for a moment of disposing of them otherwise, but that proposition is now cured by the amendment that has been accepted and will become a part of the bill, and now we have only left the consideration of this amendment. If this amendment shall not be adopted this Congress will say that we dare not trust an American citizen to purchase 40 acres of land in the Philippine Islands without endangering the interests of the people of those islands. I believe that reflection upon American citizenship is unwarranted and unpatriotic, and therefore I shall vote for the amendment offered by the gentleman from Pennsylvania. [Applause.]

Mr. JONES. Mr. Speaker, I ask unanimous consent that all debate on this amendment be concluded in 10 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I will have to object. I am a member of the committee and I would like to speak on this amendment.

Mr. CRUMPACKER. Mr. Speaker, I desire to speak on the bill.

Mr. JONES. I am not undertaking to interfere with the gentleman from Indiana [Mr. CRUMPACKER]. I want to dispose of the amendment, and I would like to ask the gentleman from Wisconsin [Mr. MORSE] how much time he desires.

Mr. MORSE of Wisconsin. Seven minutes.

Mr. JONES. Then, Mr. Speaker, I will modify my request.

The SPEAKER. The gentleman from Indiana has been recognized and is entitled to an hour.

Mr. JONES. I do not think the gentleman from Indiana wishes to speak on the amendment. I am sure that he wants to dispose of this amendment first and speak afterwards.

Mr. CRUMPACKER. Mr. Speaker, I beg to say that unless there is some limit put upon the debate of this amendment, I must speak upon this question if I speak at all. The debate has already taken a very broad range. I perhaps can occupy as wide a range as I desire to in following the gentlemen who have already spoken, but if a reasonable limit can be fixed on this amendment I will be glad to give way.

Mr. JONES. Then, Mr. Speaker, I ask that all debate on this amendment be closed in 20 minutes, 7 minutes to be used by the gentleman from Wisconsin and the remainder be controlled by the gentleman from Pennsylvania and myself.

Mr. MARTIN of South Dakota. Reserving the right to object, Mr. Speaker, I would like to have the gentleman's request specify that I may speak five minutes in opposition to the amendment.

Mr. JONES. I will give the gentleman from South Dakota a part of my time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this amendment and substitute be limited to 20 minutes, 7 minutes of that time to be used by the gentleman from Wisconsin and 13 minutes to be controlled and equally divided between himself and the gentleman from Pennsylvania [Mr. OLMSTED]. Is there objection? [After a pause.] The Chair hears none.

Mr. MORSE of Wisconsin. Mr. Speaker, it was my intention, when the amendment was first proposed by the gentleman from Pennsylvania, to vote for it, but after examining once more the amendment which was adopted a week ago and which became a part of the bill I feel that it would not be wise to adopt the amendment. That amendment will be found on page 6413 of the RECORD. I will read it. You understand that this is a bill providing for the disposition of the remainder of the friar lands, and it puts them under the same law that applies to the other public lands—no more than 40 acres to be sold to an individual and no more than 2,500 acres to any corporation. But we have adopted this amendment:

Amend, page 2, line 6, by inserting, after the word "islands," the following:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation, either generally or as to any specific tract or tracts."

You see that takes away the 40-acre limit and the 2,500-acre limit and leaves the matter to the Philippine Government, which is composed of a lower and upper house, the upper house being appointed by the President of the United States, and the governor.

Mr. OLMSTED. But that only applies to friar lands.

Mr. MORSE of Wisconsin. Well, admitted that the amendment applies only to the friar lands, we are legislating only as

to the friar lands. What are we legislating for? For the purpose of preventing the acquisition of large tracts of land by individuals or corporations, either foreign or domestic. There is no other end in view in this legislation—nothing whatever.

The charge has been made and amply proven that under the administration of the law large tracts of land have been going into the hands of certain people. I stated on the floor of the House that the people who purchased them were at the time of the purchase officers of the so-called Sugar Trust. That statement was questioned by the gentleman from Pennsylvania. I looked up the record and found I was correct. The hearings do show that the gentlemen admitted that they owned them all, and at the time of the purchase one of them at least was an officer and the others stockholders in the American Sugar Refining Co.—the so-called Sugar Trust.

Now, then, the object of this legislation is to terminate, for the good of the Filipino people, the accumulation of large tracts of land in single ownership, either corporate or individual.

I have here an amendment which I expect to offer, and to offer which the Speaker has promised to recognize me, which, if adopted, will, to my mind, make this bill of some value. If it is not adopted, I can not see any use of passing this legislation, particularly in view of the fact that we have opened up the subject even wider than it was opened before, because there was always in these friar transactions a question of title. There was always a question as to whether or not that land had been legally acquired. It is true they had the opinion of the Attorney General that it had been legally acquired, but as I understand the situation there has been no court decision to that effect and the title is still to that extent clouded.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a question?

Mr. MORSE of Wisconsin. Yes; for a short question.

Mr. TOWNER. That had reference merely to the interpretation of the law in so far as it affected the limitation on the lands, but there never has been any decision as to whether or not it was a violation of the law—in other words, a fraud—for individuals representing a corporation to procure lands that were for the benefit of the corporation.

Mr. MORSE of Wisconsin. That is probably true, but I do not care anything about the theory. The facts are that individuals did do that. These are the facts, and there is no man in this House who will question them.

Mr. TOWNER. The point I make is that because they did acquire the lands is no indication that they have any title, if they acquired them in fraud, as I believe they did.

Mr. MORSE of Wisconsin. That may be true, but we do not want to continue that kind of title acquiring in the Philippine Islands. Neither does anyone in this House want to continue that policy which we, by this legislation, are trying to change.

If the amendment to which I am addressing myself at this moment be adopted and becomes a part of this law, then you will put it within the power of the Philippine Government to grant not only to the Filipinos but to the American Sugar Refining Co., to Americans, and to anyone, individual or corporation, either there or here, land in any quantity that they may see fit to sell to them. A corporation under that law could go there and with the consent of the Philippine Government be permitted to buy all of the rest of the friar lands, one hundred and twenty-five thousand and odd acres. I say we would defeat the very object of this legislation that we are trying to enact, or, at least, we would put it within the power of the Government of the Philippine Islands to defeat the object of this legislation. Therefore, under those conditions, and in view of the fact that this amendment has been adopted and has become a part of the bill, I believe it is the duty of the Members of this House to defeat that amendment. I believe if we could arrange it so that 40 acres only could be acquired by an American citizen it would be a good amendment, because I think it would be of value to the Philippine people to have a few American citizens go in there and show them how to farm—people, for instance, from our States who are graduates of our agricultural schools. If a few of them could go in there and show them how to farm as we do in this country, it would be a very good thing, and this would be a very valuable amendment; but in view of the fact that the prior amendment has been adopted, I feel certain of the fact that the safety of the islands and the agrarian policy which we are trying there to establish would be conserved by defeating the amendment of the gentleman from Pennsylvania.

Mr. OLMSTED. Mr. Speaker, the gentleman from Wisconsin [Mr. MORSE], I think, is not quite correct as to the effect of the amendment adopted the other day, and the effect that this pending amendment would have if adopted. Nobody disputes the proposition that American citizens may now purchase friar



lands. This bill, however, proposes to make the friar lands subject to the same qualifications, restrictions, and conditions as now are imposed by law upon the sale of public lands; and it is contended that in the sale of public lands a citizen of the United States may not purchase under the existing law. The object of the pending amendment is simply to give to any American citizen the same right that a native Filipino would have to buy 40 acres of land.

Mr. GARRETT. Mr. Speaker, will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. GARRETT. Mr. Speaker, I should not like to let go unchallenged the statement of the gentleman from Pennsylvania that no one now believes that Americans can purchase the friar lands. Those of us who believe that the real intent and spirit of the organic act was that the friar lands should be subject to the same limitations as public lands do not believe now that an American citizen has the right to make a purchase of the friar lands.

Mr. OLMSTED. Mr. Speaker, I will accept the gentleman's statement, but the bill as it now stands, with the amendment adopted one week ago to-day, provides that nobody can purchase more than 40 acres of any kind of land belonging to the Philippine Government, unless the Philippine Legislature shall by legislation, hereafter to be enacted, permit him to buy more. The upper branch of that legislature consists of nine members, five Americans and four native Filipinos, while the lower branch is composed of Filipinos elected by the native Filipinos, and there could be no legislation enacted without the consent of both bodies.

Surely the gentleman from the Philippines himself and other gentlemen who are willing to vote that they are ready now, or will be very shortly, for self-government do not wish to vote in support of the proposition that they can not themselves be trusted to vote how many acres of land they will sell in any particular tract? To vote that way, in my judgment, is to negative the proposition that they are now or will be for a long time fitted for self-government. Unless that legislature, one branch of which is wholly composed of native Filipinos, selected by Filipinos themselves, shall vote otherwise, no man, under this bill as it now stands, with the amendment adopted last week, can buy more than 40 acres of land, and he has got to live on it five years continuously. Now, the gentleman from the Philippines did not observe the distinction between a resident and a citizen.

A man might go from Washington to the Philippine Islands and remain there five or six years and become a resident of the Philippines, but he would not be a citizen. He is not a statutory citizen under the provisions of the organic act which limits Philippine citizenship to native-born Filipinos and their descendants, and, of course, it is impossible for a man to change his ancestors. Therefore, unless we adopt this amendment which is now pending, it will be impossible for an American citizen to buy even 40 acres of any kind of land in the Philippine Islands.

Mr. QUEZON. Will the gentleman yield?

Mr. OLMSTED. With pleasure.

Mr. QUEZON. Would the gentleman from Pennsylvania like to accept this amendment, that those acquiring lands shall become citizens of the Philippine Islands?

Mr. OLMSTED. That would not be germane to the bill before us. It is an entirely different subject. The law already provides that a man purchasing 40 acres must live on it continuously for five years, cultivate, and improve it. Mr. Speaker, the gentleman from the Philippines said himself only one week ago, as to the limitation of area, that he was in favor of this amendment, and yet to-day he speaks nearly an hour in opposition to it, and the reason he gives—

Mr. QUEZON. May I interrupt the gentleman?

Mr. OLMSTED. Certainly.

Mr. QUEZON. I do not know I gave that impression here. Personally I said this amendment ought not to be adopted, but if the purpose of the amendment was to be secured and only that purpose that I have no objection to it, but my fear is this will give an opportunity to do certain things which are to be deplored.

Mr. OLMSTED. Mr. Speaker, that fear has come upon the gentleman within the past week, for he distinctly said, and it is here in the Record, that personally he would have no objection if the area were restricted. Now it is limited to 40 acres unless the Filipinos themselves increase it, but they can do it under this legislation only as to the friar lands. Here is what he said, printed on page 5703 of the Record:

Mr. OLMSTED. Would the gentleman be willing to have this bill amended so that citizens of the United States could purchase the public lands?

Mr. QUEZON. Personally I would have no objection to it, provided the citizens of the United States shall be affected by the limitations of the organic act as to area.

The SPEAKER. The time of the gentleman has expired. The gentleman from Virginia is recognized for six and a half minutes.

Mr. JONES. Did the gentleman from South Dakota desire some time?

Mr. MARTIN of South Dakota. I do not want to take up the gentleman's time, but I would like to have five minutes.

Mr. JONES. I will yield that time to the gentleman.

The SPEAKER. How much time did the gentleman from Virginia yield?

Mr. JONES. Five minutes.

Mr. MARTIN of South Dakota. Mr. Speaker, the proposed amendment of the gentleman from Pennsylvania is very peculiarly drawn. It says that every citizen of the United States, not "may" but "shall" be permitted to purchase lands in the Philippine Islands. There is no limitation to the friar lands, which is the subject of the legislation of this bill. It is general in its language, and may apply as well to the public domain of the Philippine Islands as to this remnant of the friar lands. The provision of section 15 of the organic act plainly contemplates that as to the miscellaneous public domain of those islands it shall be disposed of only in small areas to actual inhabitants or citizens of the islands, and very properly, and yet this sort of legislative declaration by Congress would operate, I think, as an amendment to that portion of the organic act and would place a citizen of the United States in a position of demanding the privilege of purchasing under the limitations of this act a certain quantity of this land whether it was the policy of the Government of the Philippine Islands to dispose of it only to citizens of the islands or not. The amendment therefore is very remarkable in its language, and I think would work mischief for that reason if for no other. But my objection to the legislation goes much deeper than the phraseology of the amendment. I think it is fundamental to good government in any country that the agricultural lands upon which the primal industry of agriculture must be performed should be disposed of only to citizens of the country having the public domain. That is a condition of good government, a principle which we have protected in our own affairs from the foundation of the Government, and I have always considered it was one of the best instances of the statesmanship of the people of the United States that this policy ingrafted into the homestead act of 1862 was adopted at a time when the temptation to dispose of our public land to large landholders was very great.

One side of that great legislative controversy in 1862 contended that the Nation's life was in peril and that vast areas of the public domain ought to be disposed of at the greatest possible price as an asset of the war to defend the Union. But wiser and more farseeing statesmanship prevailed, and even under the limitations of the necessities of the case the men of that period adopted the policy that the public lands of the United States should forever be disposed of in small quantities to the actual home builder or empire maker who should go in advance and lay the foundations of the citizenship of this Republic.

We are the trustees of these Filipino people, and we ought not to ingraft upon them by legislation a policy we would not adopt in the management of our own affairs. And it is no criticism of American citizenship to say that we, the trustees of those people, in our legislative might and power will not place upon them provisions that would force them to recognize American citizens, or citizens of any other country than the Philippines, in a right to purchase portions of their agricultural lands. [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULLOP). The gentleman from Virginia [Mr. JONES] has one minute and a half remaining.

Mr. JONES. Mr. Speaker, there is not one line or one word in the bill before the House relating to who shall or shall not acquire lands in the Philippine Islands. There is not a word in this bill that relates to who may or may not purchase private lands, public lands, or so-called friar lands.

The subject matter of the amendment offered by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely foreign to everything which is before the House in this bill. He seeks through his amendment not to change anything in this bill; not to change anything in the section of the law to which this bill relates; but to amend in a most important particular the organic law of the Philippine Islands. For that reason, if for none other, the House should vote down this amendment, for it



has absolutely nothing to do with the subject matter of the bill. It is, however, an admission, notwithstanding that the gentleman from Pennsylvania [Mr. OLMSTED] continually says that there are only a few persons who hold that citizens of the United States can not acquire agricultural lands in the Philippine Islands, that the law as it stands prohibits a citizen of the United States from acquiring a single acre of the agricultural public lands in the Philippine Islands. And it is because the gentleman believes in his heart that the interpretation placed upon this law, not only by the minority members of the Insular Affairs Committee in the Sixty-first Congress, but by Judge Madison and two others of the majority members of that committee, is the correct interpretation that he seeks to secure the adoption of this amendment. Now, I do not understand—

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania will state it.

Mr. OLMSTED. The question is now on the substitute amendment?

The SPEAKER. The Chair was going to state that.

Mr. OLMSTED. If that is voted down there will have to be a vote on the original amendment?

The SPEAKER. Yes.

Mr. OLMSTED. Then I will ask the gentleman from Virginia [Mr. JONES] that his substitute be treated as an original amendment so as to save two votes.

The SPEAKER. Unanimous consent is asked that the substitute be treated as an original amendment.

The question was taken, and the Speaker announced that the yeas seemed to have it.

Mr. OLMSTED. Division, Mr. Speaker.

The House proceeded to divide; and during the division Mr. OLMSTED raised the point of no quorum.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. When the names are called, those who are in favor of the substitute will answer "yea," and those opposed will answer "nay." Of course the agreement is that the substitute shall be in place of the original amendment. The Clerk will call the roll.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

Page 2, line 21, after the word "holdings," insert:  
"Provided further, That any citizen of the United States shall be permitted to purchase lands from the Philippine Government subject to the limitations and restrictions of this act as hereby amended."

Mr. GARNER. Is that a substitute?

Mr. OLMSTED. Yes; that is what we are about to vote on now.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 66, nays 156, answered "present" 13, not voting 157, as follows:

## YEAS—66.

Ames	Fuller	McCreary	Redfield
Austin	Gardner, Mass.	McGuire, Okla.	Roberts, Mass.
Bowman	Greene, Mass.	McKenzie	Smith, Saml. W.
Bulkley	Griest	McKinley	Steenerson
Burke, Pa.	Hamilton, Mich.	McKinney	Stephens, Cal.
Butler	Harris	McLaughlin	Sterling
Cannon	Hartman	Madden	Stevens, Minn.
Catlin	Heald	Malby	Thistlewood
Crago	Henry, Conn.	Mann	Towner
Crumacker	Higgins	Matthews	Tuttle
Dalzell	Hill	Morgan	Volstead
De Forest	Howell	Needham	Vreeland
Dodds	Kahn	Nye	Wedemeyer
Driscoll, M. E.	Kennedy	Olmsed	Willis
Focht	Kinkaid, Nebr.	Payne	Young, Mich.
Fordney	Knowland	Powers	
Foss	Loud	Prouty	

## NAYS—156.

Adair	Borland	Daugherty	Ferris
Adamson	Brantley	Davis, Minn.	Finley
Aiken, S. C.	Buchanan	Denver	Fitzgerald
Akin, N. Y.	Burke, Wis.	Dickinson	Foster
Alexander	Byrnes, S. C.	Dies	Fowler
Anderson, Minn.	Byrnes, Tenn.	Difenderfer	Francis
Anderson, Ohio	Callaway	Donohoe	French
Ansberry	Candler	Doremus	Gallagher
Ashbrook	Carter	Doughton	Garner
Barnhart	Cary	Driscoll, D. A.	Garrett
Bartlett	Cline	Edwards	Good
Bathrick	Connell	Ellerbe	Goodwin, Ark.
Bell, Ga.	Cooper	Esch	Gould
Blackmon	Copley	Evans	Gray
Boehne	Cullop	Faison	Gregg, Pa.
Booher	Curry	Fergusson	Gregg, Tex.

Hamilton, W. Va.	Lafferty	Page	Smith, J. M. C.
Hardy	La Follette	Peters	Smith, N. Y.
Harrison, Miss.	Lee, Ga.	Post	Stedman
Harrison, N. Y.	Lee, Pa.	Pou	Stephens, Miss.
Hay	Lenroot	Prince	Stephens, Tex.
Hayden	Levy	Rainey	Stone
Helgesen	Lindbergh	Raker	Sulzer
Hensley	Linthicum	Rauch	Sweet
Holland	Lloyd	Rees	Talcott, N. Y.
Howard	McDermott	Roberts, Nev.	Taylor, Colo.
Hughes, Ga.	McGillicuddy	Roddenberry	Thayer
Hull	Macon	Rothermel	Thomas
Jackson	Maguire, Nebr.	Rouse	Townsend
Jacoway	Martin, Colo.	Rubey	Tribble
Johnson, Ky.	Martin, S. Dak.	Rucker, Colo.	Turnbull
Jones	Moon, Tenn.	Russell	Underhill
Kendall	Morrison	Saunders	Watkins
Kinkead, N. J.	Morse, Wis.	Sharp	White
Konig	Murray	Sherley	Wilson, N. Y.
Konop	Neeley	Sherwood	Wilson, Pa.
Kopp	Oldfield	Sims	Witherspoon
Korbly	O'Shaunessy	Slayden	Young, Kans.
	Padgett	Small	Young, Tex.

## ANSWERED "PRESENT"—13.

Beall, Tex.	Gillett	McCall	Tilson
Browning	Hobson	McMorran	
Davenport	Houston	Smith, Tex.	
Dwight	Langley	Talbot, Md.	

## NOT VOTING—157.

Ainey	Estopinal	Lamb	Richardson
Allen	Fairchild	Langham	Riordan
Andrus	Farr	Lawrence	Robinson
Anthony	Fields	Legare	Rodenberg
Ayres	Flood, Va.	Lever	Rucker, Mo.
Barchfeld	Floyd, Ark.	Lewis	Sabath
Bartholdt	Fornes	Lindsay	Scully
Bates	Gardner, N. J.	Littlepage	Sells
Berger	George	Littleton	Shackelford
Bradley	Glass	Lobeck	Sheppard
Broussard	Godwin, N. C.	Longworth	Simmons
Brown	Goeke	McCoy	Sisson
Burgess	Goldfogle	McHenry	Slemp
Burke, S. Dak.	Graham	McKellar	Sloan
Burleson	Green, Iowa	Maher	Smith, Cal.
Burnett	Gudger	Mays	Sparkman
Calder	Guernsey	Miller	Speer
Campbell	Hamlin	Mondell	Stack
Cantrill	Hammond	Moon, Pa.	Stanley
Carlin	Hanna	Moore, Pa.	Stephens, Nebr.
Clark, Fla.	Hardwick	Moore, Tex.	Sulloway
Claypool	Haugen	Moss, Ind.	Switzer
Clayton	Hawley	Mott	Taggart
Collier	Hayes	Murdock	Taylor, Ala.
Conry	Heffin	Nelson	Taylor, Ohio
Covington	Helm	Norris	Underwood
Cox, Ind.	Henry, Tex.	Palmer	Utter
Cox, Ohio	Hinds	Parran	Vare
Cravens	Howland	Patten, N. Y.	Warburton
Curley	Hubbard	Patton, Pa.	Webb
Currier	Hughes, N. J.	Pepper	Weeks
Danforth	Hughes, W. Va.	Pickett	Whitacre
Davidson	Humphrey, Wash.	Plumley	Wickliffe
Davis, W. Va.	Humphreys, Miss.	Porter	Wilder
Dent	James	Pray	Wilson, Ill.
Dickson, Miss.	Johnson, S. C.	Pujo	Wood, N. J.
Dixon, Ind.	Kent	Randell, Tex.	Woods, Iowa
Draper	Kindred	Ransdell, La.	
Dupré	Kitchin	Reilly	
Dyer	Lafean	Reyburn	

So the amendment was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FURNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDREWS.

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. COLLIER with Mr. WOODS of Iowa.

Until further notice:

Mr. WICKLIFFE with Mr. SIMMONS.

Mr. COX of Ohio with Mr. TAYLOR of Ohio.

Mr. WEBB with Mr. REYBURN.

Mr. ROBINSON with Mr. SMITH of California.

Mr. STEPHENS of Nebraska with Mr. PRAY.

Mr. SARATH with Mr. PLUMLEY.

Mr. RUCKER of Missouri with Mr. WOOD of New Jersey.

Mr. RICHARDSON with Mr. WILSON of Illinois.

Mr. REILLY with Mr. VARE.

Mr. MCKELLAR with Mr. WARBURTON.

Mr. LOBECK with Mr. SWITZER.

Mr. MCCOY with Mr. UTTER.

Mr. LEVER with Mr. SPEER.

Mr. LEGARE with Mr. PICKETT.

Mr. SMITH of Texas with Mr. PATTON of Pennsylvania.

Mr. KITCHIN with Mr. NELSON.

Mr. HUMPHREYS of Mississippi with Mr. MOTT.

Mr. HUGHES of New Jersey with Mr. MOORE of Pennsylvania.

Mr. HENRY of Texas with Mr. MONDELL.

Mr. HEFLIN with Mr. MILLER.

Mr. GRAHAM with Mr. LAWRENCE.

Mr. GOLDFOGLE with Mr. LAFEAN.

Mr. GEORGE with Mr. KENT.



Mr. FLOYD of Arkansas with Mr. HUMPHREY of Washington.  
 Mr. FLOOD of Virginia with Mr. HUBBARD.  
 Mr. DUPRÉ with Mr. HAYES.  
 Mr. DICKSON of Mississippi with Mr. HAUGEN.  
 Mr. DENT with Mr. HANNA.  
 Mr. DAVIS of West Virginia with Mr. GUERNSEY.  
 Mr. CURLEY with Mr. GREEN of Iowa.  
 Mr. DIXON of Indiana with Mr. GARDNER of New Jersey.  
 Mr. COX of Indiana with Mr. FOSS.  
 Mr. COVINGTON with Mr. DYER.  
 Mr. CLAYTON with Mr. CURRIER.  
 Mr. CARLIN with Mr. CALDER.  
 Mr. CANTRILL with Mr. BARTHOLDT.  
 Mr. BURNETT with Mr. BARCHFELD.  
 Mr. BULESON with Mr. AINEY.  
 Mr. LITTLEPAGE with Mr. MURDOCK.  
 Mr. GUDGER with Mr. HUGHES of West Virginia.  
 Mr. GOEKE with Mr. HOWLAND.  
 Mr. GODWIN of North Carolina with Mr. HINDS.  
 Mr. JOHNSON of South Carolina with Mr. GILLET.  
 Mr. RANDELL of Texas with Mr. SELLS.  
 Mr. MOSS of Indiana with Mr. SLOAN.  
 Mr. DAVENPORT with Mr. BURKE of South Dakota.  
 Mr. LITTLETON with Mr. DWIGHT.  
 Mr. TALBOTT of Maryland with Mr. PARRAN.  
 Mr. JAMES with Mr. McCALL.  
 Mr. HELM with Mr. RODENBERG.  
 Mr. BEALL of Texas with Mr. HAWLEY.  
 Mr. HARDWICK with Mr. CAMPELL.  
 Mr. SPARKMAN with Mr. DAVIDSON.  
 Mr. SISSON with Mr. TILSON.  
 Mr. SHEPPARD with Mr. BATES.  
 Mr. MAYS with Mr. THISTLEWOOD.  
 Mr. ALLEN with Mr. LONGWORTH.  
 Mr. FIELDS with Mr. LANGLEY.  
 Mr. PEPPER with Mr. WILDER.  
 Mr. PUJO with Mr. McMORRAN.  
 Mr. PALMER with Mr. SULLOWAY.  
 Mr. CLARK of Florida with Mr. DANFORTH.  
 Mr. KINDRED with Mr. PORTER.  
 Mr. HOUSTON with Mr. MOON of Pennsylvania.  
 Mr. SCULLY with Mr. BROWNING.  
 From May 11, one week:  
 Mr. BROWN with Mr. LANGHAM.  
 From May 3, two weeks:  
 Mr. SHACKLEFORD with Mr. DRAPER.  
 April 17 to May 21:  
 Mr. BURGESS with Mr. WEEKS.  
 May 15 to May 25:  
 Mr. STANLEY with Mr. ANTHONY.  
 Mr. KENDALL. Mr. Speaker, I am paired with the gentleman from Indiana, Mr. DIXON, but I am sure he would vote in the negative if he were here, and I withdraw my pair, and vote "nay."

The SPEAKER. The Clerk will call the gentleman's name.  
 The Clerk called the name of Mr. KENDALL, and he answered in the negative.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. CRUMPACKER rose.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for one hour.

Mr. CRUMPACKER. Mr. Speaker, I rise to speak in opposition to the bill now before the House for consideration. I was unable to be present on last Calendar Wednesday or on the Calendar Wednesday before, and I did not hear the arguments made for and against the measure on those days; but I have read every speech upon the question that has been published in the RECORD. I feel justified in saying a few words in this connection in relation to the amendment that was just voted down by the House, an amendment proposing to give American citizens the right to make homestead entries in the Philippine Islands under the organic law and in accordance with the conditions and limitations therein contained. Some seem to believe that a citizen of the United States residing in the islands is not allowed to locate upon and become the owner of a homestead of 40 acres of the public lands, simply because the law does not, by express terms, make him a citizen of the Philippine Government. My individual judgment is that citizens of the United States residing in the Philippine Islands are citizens of the Philippine Government within the meaning of the homestead law. This Government holds sovereign power over the Philippine Archipelago, and the title to the public lands in the archipelago is in the United States. Those islands were rescued

from Spanish oppression by American valor, by the shedding of American blood. The Constitution of the United States declares that every person born within the United States or naturalized therein is a citizen of the United States and a citizen of the State where he resides. Territory within the jurisdiction of this Government is a State within the citizenship provision of the Constitution, and a citizen of the United States is a citizen of the islands under the flag while he resides in the islands. It is to me an absurd proposition to say that even the soldiers who fought under the flag in conquering Spanish authority in the archipelago do not possess the poor privilege of becoming residents of the islands and of taking up homesteads of 40 acres of land, on condition that they shall improve, cultivate, and live on the lands for five years, and upon the further condition that they shall not sell or encumber their holdings during that period. I voted for the amendment proposed by the gentleman from Pennsylvania [Mr. OLMSTED] to remove all possible doubt about the question in the minds of some Members and not because I thought there was any doubt about it myself.

Mr. Speaker, this whole friar-land question, it seems to me, has been enshrouded with a great deal of confusion and misunderstanding. It has been badly obfuscated. There is an attempt here to make a mountain out of a molehill. The bill presents a simple business question respecting the change of the law for the disposition of the remaining friar lands. In the course of the discussion some gentlemen who have spoken have taken occasion to cast reflections upon the administration of the Philippine Government, and particularly the administration of the public lands. We heard those same criticisms a year or two ago, and the last Congress authorized an investigation of the administration of public lands in the islands. That investigation was made by the Committee on Insular Affairs. It was exhaustive, it was thorough, it was impartial; and the result was that the administrative officers in the Philippines were absolutely vindicated. I will quote a paragraph of the report of the committee conducting that investigation from the summary:

We find that the administration of lands in the Philippine Islands has been fairly and honestly conducted, and that the charges and insinuations to the contrary which have been made against the officials charged with the execution of the laws in relation thereto, whether officers of the Philippine Government or of the United States, are unwarranted and unjust.

That report was made by eight members of the majority and one of the minority of the committee, and the findings were concurred in by four other members in separate statements. The gentleman from Colorado [Mr. RUCKER], of the minority, made a supplemental statement in which he said:

I fully concur in the foregoing report as far as it goes, but I desire to make the following additional suggestion.

Three other members of the committee, Messrs. HUBBARD of Iowa, DAVIS of Minnesota, and MADISON of Kansas, submitted supplemental views, in which they said:

The committee has fully discharged its duty to make a complete and thorough investigation of the interior department of the Philippine Islands with regard to the administration of Philippine lands, and we concur in the findings of the foregoing, that there have been no sales of Philippine lands in violation of law, and that the officials having in charge the execution of the land laws of the Philippines have been honest and conscientious. They are not in our judgment subject to censure. Their task has not been an easy one. They have had many burdens laid upon them, not the least of which has been the interpretation of the provisions of the act of 1902, providing a civil government for the Philippines with regard to the lands they were administering.

Five out of nineteen members of the committee dissented.

I submit that no fair-minded man can go through the history of that investigation and read the testimony taken without reaching the conclusion that the handling of public lands in the islands constitutes as clean a page as can be found in all the annals of American administration.

It is an easy thing to criticize, an easy thing to find fault with conditions that exist 10,000 miles away, but it is difficult sometimes to disprove charges and insinuations against faithful public officers. My belief is that Congress ought to defer largely to the judgment and the fidelity of the men who have been selected to administer affairs in the Philippine Archipelago, men who are on the ground, men who know infinitely more than we can know respecting social, economic, and political conditions there and of the needs and wants of the inhabitants.

It seems to me we make a grave mistake when we undertake to legislate respecting details from American standards against the judgment and over the protest of those who are on the ground and charged with the responsibility of administration. How many Members of this House have personal knowledge of the conditions that prevail in the Philippines?



I undertake to say, Mr. Speaker, that the organic act has been interpreted and applied by the Philippine Government exactly as it was enacted by Congress, exactly as Congress intended it should be interpreted and applied. It was made by a Congress that was thoroughly familiar with conditions existing at that time and the reasons for the purchase of the friar lands and the manner of their disposition.

When this Government secured control of the archipelago under the Paris treaty there came to the United States something over 60,000,000 acres of public lands. Under that treaty the title to those lands was vested in the Government of the United States. When we came to make the organic law for the civil government of the islands, we made careful provision for the disposition of the public lands for the benefit of the people of the islands. In the course of my remarks when I refer to the "public lands" I mean those lands the title to which was vested in the United States by the Paris treaty, and when I refer to the lands purchased of the religious orders I shall designate them as "friar lands."

Congress outlined its land policy for the islands in the provisions in the organic law for the disposition of the public lands. It established the homestead policy and surrounded it with safeguards to prevent exploitation more effectually than was ever done for the protection of the public lands in this country. Limitations were fixed so there could be no "dummy" entries, as has been the case under the land laws at home. If any criticism can be justly made against the Philippine land laws it is that they are so rigid as to retard development. No opportunities were left open to speculators and exploiters.

But the mistake has been made by Members of the House in the discussion of this question in failing to discriminate between the public lands and the friar lands. Because some unoccupied friar lands have been sold in large tracts Members have spoken, protesting vigorously and vehemently against the exploitation of the public lands of the islands.

The distinguished gentleman from Wisconsin [Mr. COOPER] awhile ago quoted a statement from the report of Mr. Taft when he was Secretary of War, declaring that he was not in favor of using or permitting the use of the public lands in the Philippine Islands for sugar raising.

Mr. TOWNER. Will the gentleman yield?

Mr. CRUMPACKER. I will yield for a question.

Mr. TOWNER. Was it not said in the quotation from Mr. Taft that he placed his disapproval upon the exclusive use of the public lands for sugar raising?

Mr. CRUMPACKER. That is the point I was coming to; he said he was not in favor of the exclusive use of all the lands for sugar raising, and he gave sound reasons for his objections. Is there anybody in this House or in this country advocating the exclusive use of the public lands of the islands for sugar plantations? Why, the entire area of the friar lands was only 400,000 acres as against over 60,000,000 acres of the public lands that can not be exploited; that can not be sold excepting under rigid limitations and conditions. Mr. Taft in that report, and in a number of other reports, recommended the establishment of a number of modern sugar mills in the islands. He said it would promote development; that it would be an object lesson to the natives; that it would stimulate enterprise and activity along right lines. Much of the friar lands was in small tracts, in possession of tenants. They were largely occupied, and the law requires that the tenants shall have the first right to purchase their holdings. The unoccupied and unimproved lands are those over which the controversy arises. Suppose the Government should sell all of the unoccupied friar lands in large tracts for the purpose of sugar production, would it amount to an exploitation of the public lands—200,000 acres out of 60,000,000 acres? Every objection that has been made to the sale of the unoccupied friar lands in large tracts is more than answered in the fact that there can be no oppression, no condition approaching serfdom, because if the natives do not care to work in the sugar mills there are 60,000,000 acres of public lands open to homesteads on easy terms and at a nominal cost.

It is the experience of sugar producers in the Tropics that one who goes to the expense of constructing a modern sugar mill must have several thousand acres upon which to produce cane, because reliance upon small farms for a cane supply is too precarious. The average sugar plantation in control of mill owners in Cuba is above 15,000 acres. Public lands in the Philippines can not be sold in larger tracts than 40 acres to an individual or 2,500 acres to a corporation. The public lands can be bought for \$2 an acre, but no one would undertake to build a sugar mill on 40 acres of land, or on even 2,500 acres. The San Jose tract, which was sold to the Havemeyer syndicate, was surrounded with public lands equally as fertile,

and which were for sale at \$2 an acre. The San Jose tract sold for over \$6 an acre, because it contained a number of thousand acres. If it could only have been sold in 40-acre tracts, it would have taken 50 years to dispose of it, and then it could not have sold for more than the public lands were offered for.

Discrimination must be made between the sale of public lands for homesteads, in 40-acre tracts, at \$2 an acre, and the sale of large areas of unoccupied friar lands for sugar mills, at from \$6 to \$25 an acre. Discrimination must be made between the policy of selling the public lands at a small price for the encouragement of agriculture and the policy of selling the friar lands for the purpose of creating a fund with which to pay the bonds given for their purchase.

There has been much said about absentee landlordism, and it has been declared that it was the object of the Government in taking over the lands of the religious orders to break up the large tracts into small holdings. There was no such purpose in the mind of Congress in providing for the purchase of those lands. No one had any such idea. There was a condition, which has been referred to in the course of this debate, involving a bitter enmity on the part of the tenants of the friar lands against the friars themselves. It was not a matter of absentee landlordism, because the landlords were on the ground and the cause of the trouble. It was not a question of buying up large tracts of land with a view of cutting them up into small holdings, because there was no objection whatever to the quantity of land held by the religious orders, as there was an abundance of public land that natives could locate upon and use without interference. There were two large tracts, aggregating about 110,000 acres—the San Jose estate, which was purchased by Poole for the New York syndicate, and the Isabela estate—which were wholly unoccupied and unimproved, that it was not the intention of the Government to buy at all, because they were in no way the subject of friction or trouble. They were the largest tracts held by the friars, but they had no tenants.

I am authorized by President Taft to say that after the passage of the organic law he made a voyage to Rome with the view of negotiating for the purchase of the friar lands, and his first proposition was to exclude the San Jose and the Isabela estates from consideration altogether, as there was no need of buying those lands, because they were untenanted and the source of no trouble whatever.

If that proposition had been accepted, the title to the San Jose estate in Mindoro and the title to the Isabela estate in northern Luzon would have remained in the religious orders, and they could have sold both estates, even to the Havemeyers, without let or hindrance. But the representative of the friars very naturally refused to consider any proposition that did not include those large estates, so the Philippine Government was compelled to buy them in order to secure the lands that were held by tenants and about which the trouble existed.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. CRUMPACKER. For a question in that connection.

Mr. JONES. Then why was it that he did not buy the large estate on the Pasig River of 8,000 acres, which belonged to the friars, and that was very densely populated?

Mr. CRUMPACKER. There seemed to have been no trouble about that tract, and there has been no trouble there since.

Mr. JONES. Oh, there was trouble there.

Mr. CRUMPACKER. I am not ready to accept the gentleman's statement on that question. There has been no trouble over that estate. The small—or, as the gentleman calls it, the large—estate of 8,000 acres was kept by the friars for their own use. The basis of all difficulty between the friars and the tenants was agrarian and political. The friars were the parish priests in the islands, very largely, and they had absolute political authority in all municipalities in their several parishes. Mr. Taft described them in his statement before the committee as "Spanish policemen." The tenants were all devout Catholics. The friars collected rents from the tenants and used them for carrying on certain functions that pertained to the religious orders as such. In addition they imposed substantial exactions upon the tenants for the purpose of raising further funds to carry on the work of the church; and the tenants took the view that while the title to the lands was in the religious orders, they held the land in trust for the church, and that the rents of the lands should go to the maintenance of the church instead of to educational and other uses outside. They came to look upon those priests as the personification of all that was arbitrary and despotic in Spanish administration. I will quote briefly from Mr. Taft's statement. He said:

There is another question connected with the friars that is far wider in importance because it affects the whole archipelago. That is the question of the friars' return to their parishes. The people are Catholics, and they are fond of their church, and the church is a great part



of their life. They have their fiestas, and the church takes part in almost every function in the family, and they have no disposition to leave the church. That they should have such a deep feeling of hostility against those persons who would administer the sacraments of the church—and they love the church itself—indicates that there was a very deep reason for their hostility. It would be found in the political power that the friars exercised in the last 50 years. They were the policemen of Spain. They exercised absolute power in every municipality within their respective parishes, and they were made responsible by the people for every act of oppression, individual or general, which might be charged to the Spanish Government.

That statement explains clearly the source of the trouble and the necessity of the Government securing control of the occupied lands to avoid conflict.

In 1896 there was an uprising among the tenants, and the priests were driven from their parishes. Upward of 50 of them were killed and 300 and over were put into prison. When the United States secured control of the islands, after peace had been established, following the Paris treaty, our Government was bound to protect the religious orders in the enjoyment of their property. The Philippine Commission knew that if proceedings were instituted to compel the tenants to pay rent to the friars for the lands it meant conflict; it meant insurrection and bloodshed. There is no way of estimating the sacrifice of human life and treasure that might have resulted in suppressing such an outbreak. Furthermore, it was of vital importance to assure the natives of our friendship and unselfish purposes in administering their affairs.

So it was decided that it would be cheaper and better from every standpoint to buy the lands and solve the difficult and ugly problem in that way, and Congress authorized the Philippine Government to make the purchase and issue bonds to raise the purchase money. Some have contended that the limitations contained in section 15 of the organic act were intended to apply to the friar lands, but I believe that no lawyer can carefully read that act and study the conditions under which it was made without reaching the conclusion that those conditions and limitations were never intended to apply to the sale of the friar lands. Those conditions and limitations were peculiarly adapted to a homestead policy. It might as well be said that if the Government of the United States should buy, say, 6,000 acres of land in this country for a rifle range and it should afterwards conclude to abandon the rifle range that the homestead laws would at once attach to the land. Those limitations were never intended to apply to the friar lands, because they are not adapted to public lands which have been acquired by purchase with the intention of selling them for enough to pay the purchase money. I expect to demonstrate before I finish my remarks that the friar lands were not intended by Congress to be sold under the homestead laws. I assert that there has been no public officer who has given an opinion upon the question who has not decided unequivocally that the limitations in section 15 and other homestead sections of the law do not apply to the friar lands. The law officer in the bureau of public lands in the Philippine Islands gave that opinion first.

The attorney general of the Philippine Islands, a native and an able lawyer, gave the same opinion, and later on, in connection with the San Jose estate, the Attorney General of the United States gave the same opinion. In the investigation made by the Committee on Insular Affairs in the last Congress all but 5 members of the committee out of 19, after a thorough and exhaustive investigation of the facts and the law, declared unequivocally that the conditions and limitations contained in section 15 did not and were not intended to apply to the friar lands. The organic act passed the Senate first. The Senate placed no limitation upon the quantity of friar lands that might be sold to a single individual, excepting that tenants should have the first right to buy their own holdings. The Senate bill authorized the Philippine Commission to make rules and regulations for the lease and other disposition of the public lands and required the commission to report those rules and regulations to the President for his approval, and if the President approved them that they should be submitted to Congress, and if Congress failed to amend or disapprove them at the following session they became law, but the Senate bill declared that a single homestead of public lands should not contain more than 40 acres, or its equivalent, in hectares. That was the only limitation in the bill. In another chapter, disconnected altogether from the public-land provisions, the bill took up the question of the friar lands and authorized their purchase and sale. It provided that those lands should be sold or disposed of in such manner as the Philippine Government might determine. They were not required to make rules and regulations for the disposition of the friar lands and send them back here for approval. The bill provided, however, that those lands should not be sold for less than the purchase price, an important thing to bear in mind. Furthermore, it provided

that the proceeds of the lands should constitute a sinking fund for the purpose of paying the principal and the interest of the bonds issued for their purchase and that the interest on deferred payments for lands should be the same as the interest on the bonds. It was a simple business proposition for the Government to buy the lands to get rid of a troublesome question with the express intention of selling them first to the tenants, then the unoccupied portions to others for money enough to discharge the debt incurred in their purchase. The lands cost the Government \$7,000,000. That looks like a small sum to the United States. Did you ever stop to reckon, Mr. Speaker and gentlemen of the House, how much that would be equivalent to here, considering our business and financial operations and the population and the per capita wealth of the two countries? Seven million dollars against the Philippine Government would amount to more than \$700,000,000 against the United States. There are \$2,000,000 of the bonds yet to be paid. It is a trifle; it is but a mere bagatelle from our standpoint; but we are not paying the money out of our own Treasury.

It is to be paid by the sweat and toil of the people of the Philippine Islands, and \$2,000,000 is more for them to pay than \$200,000,000 would be for the Government of the United States to pay. Congress concluded that the lands ought to pay the cost of their purchase.

It has been said that no one had in mind the sale of the lands for enough to pay the bonds. Mr. Taft, in explaining the situation to the Committee on Insular Affairs in 1902, said:

What I mean is, if we buy the lands we put the title of the Government between the friars and the subsequent disposition of the lands, and that then the Government may, by liberal terms to the tenants, enable the tenants, by payments strung over a long number of years, to become the owners of the land. The payments can be arranged so that not much more than the rent would nevertheless pay for the land. And in that way I think the insular government could probably be made whole or nearly so. I think the plan proposed by the commission as adopted in the bill introduced by Mr. Cooper contemplates the establishment of a sinking fund out of the proceeds of the sales of the lands to the tenants to meet the bonds.

Those who say that we were not to treat this matter, in a measure, as a business proposition, and were to pay no regard to the sale of the lands with a view of discharging the bonds, know little about the considerations that prompted Congress to authorize the purchase and sale of the lands.

Mr. Taft, in discussing the unoccupied San Jose and Isabella estates, was asked by Mr. WILLIAMS, of Mississippi, now Senator, then a member of the Committee on Insular Affairs, if there was any necessity for the purchase of those two tracts. Mr. Taft said:

No; the same necessity would not exist for the purchase of the Mindoro tract and the Cagayan tract. The Mindoro tract is a tract used for cattle only, and in a part of the islands where there are practically no tenants, and where there is no feeling one way or the other, and so probably it would be the same with the Cagayan Valley.

It was expected that the lands would be sold for money enough to relieve the people of the islands of the burden of debt that they had incurred in their purchase, and everybody knows that they could not be sold for any such price under the conditions and limitations contained in section 15 that were in their very nature adapted to a homestead policy.

The Senate put no limitation on the quantity of the friar lands that could be sold to any one individual, excepting that which goes along with a provision that the occupants should have the first right to buy their holdings. When the bill came up in the House the gentleman from Virginia [Mr. JONES], who was then a member of the Committee on Insular Affairs—as a matter of fact, he is one of the charter members of that committee—realizing that there was no limitation on the friar lands, offered an amendment which appears on page 7443 of volume 35 of the Record, part 8, limiting the amount of friar lands that could be sold to one person. The House bill fixed 16 hectares, or 40 acres, as the size of a homestead of public lands.

The gentleman did not provide in his amendment that the same limitation should apply to the friar lands, but he proposed a limit of 40 hectares, or 100 acres, for those lands. He spoke in support of his amendment against the danger of monopolizing the lands unless there was some limit placed upon the amount that could be sold to one individual. Other speeches were made for and against the amendment. The gentleman from Wisconsin [Mr. COOPER], who was then chairman of the Committee on Insular Affairs, took part in the debate. He opposed the amendment and said there was a distinction between the friar lands and the public lands, and that limitations adapted to the public lands might not be applicable to the friar lands.

Mr. JONES. Will the gentleman permit a question just there?

Mr. CRUMPACKER. A question; yes.



Mr. JONES. The gentleman has referred to the fact that I offered an amendment. The gentleman knows, of course, that section 16, to which I offered the amendment, did not contain the words "subject to the limitations and conditions of this act," which are now in the organic act. That is true, is it not?

Mr. CRUMPACKER. I understand that. If the gentleman will give me the time I will explain that proposition, and I think I can make it clear.

Mr. JONES. The gentleman has quoted from me. If he will read a little further down he will find I used these identical words—

Mr. CRUMPACKER. I hope the gentleman will not quote from the RECORD, as my time is short.

Mr. JONES. I will yield the gentleman the time.

Mr. CRUMPACKER. If the gentleman will secure me an extension of time I will yield.

The SPEAKER. Does the gentleman from Indiana [Mr. CRUMPACKER] decline to yield?

Mr. JONES. The gentleman has agreed to yield.

Mr. CRUMPACKER. On condition.

Mr. JONES. The gentleman will find if he will read my remarks on that amendment I used these words:

The result will be that the lands will become a part of the public lands of the islands and will be disposed of as this bill proposes those public lands will be disposed of.

That is what I always contended.

Mr. CRUMPACKER. The public lands could not be sold in larger tracts than 40 acres, and the gentleman proposed to sell the friar lands in 100-acre tracts. The Capitol Grounds are public lands of the United States; but does that mean that they are homestead lands or that they are salable? All lands the title of which is vested in the Government are public lands.

Mr. Lacey, of Iowa, who was then chairman of the Committee on the Public Lands in the House, and who, I think, was more familiar with the land laws than any other man in either branch of Congress, spoke against the Jones amendment, insisting that the question of the amount of friar lands that could be sold to one individual should be left with the Philippine Commission, who were on the ground and knew better than Congress could know what was best to do in that respect. The Jones amendment was beaten by a vote of 63 to 33.

The House knew there was no limitation in the bill upon the amount of friar lands that could be sold to one person, and after full discussion, by a vote of almost two to one, decided that there should be no such limitation, but that that question should be left to the discretion of the Philippine Government.

After the bill passed the House it went to conference, and concessions were made and the act of July 1, 1902, was the result. The Senate consented to the striking out of the provision that the friar lands should not be sold for less than the cost price. The House took the position that while it was expected that the lands would sell for enough to cover the bonds, yet it might be necessary in some instances to pay more than the lands were worth, and if that hard-and-fast provision were left in the bill it might defeat the sale of some tracts altogether, so it was decided to leave that question also to the discretion of the Philippine Government.

"The conditions and limitations" in the friar land sections of the act referred to such conditions and limitations only as were applicable to lands that were bought and held with the expectation that they would be sold for enough to pay the purchase price. "The conditions and limitations" meant those that were applicable. It was not the intention of Congress to import conditions and limitations into the friar land sections that were only applicable to a homestead policy. Everyone at all familiar with the situation knows that the friar lands could not have been sold for the purchase price under the public-land provisions at all.

All those problems have been fully investigated, and every public officer, every law officer, who carried the responsibilities of his oath of office, has upheld the Philippine Government in its disposition of the friar lands. I remember that when we entered upon the investigation in the last Congress the late Judge Madison announced, in the presence of the committee, that he was strongly inclined to believe that the friar lands should be disposed of under the conditions and limitations provided for the disposition of the public lands.

His mind was open to conviction, however, and before the close of the investigation he became convinced that his original impression was wrong. He declared unequivocally that there was not a court of respectable standing in America that would not hold that the conditions and limitations that are peculiarly adapted to the homestead policy were not applicable to the disposition of friar lands, and it was never the intention of Congress that they should be so applied.

The question is reduced to one of policy. Seventy per cent in point of value and 60 per cent in quantity of the friar lands have already been sold. Every foot of land sold has brought the cost price, plus the accumulated interest, together with the cost of administration. The sales have aggregated about \$5,000,000. The tenants, who were the principal purchasers, bought in good faith under the law and paid for their lands, and it is now proposed to provide that the balance, the remaining 30 per cent of the lands, shall be practically given away. Is that fair and just to the taxpayers of the islands? Is it fair and just to the thousands of tenants who have bought and paid the full value for their lands? There may be 125,000 acres of unoccupied land yet unsold. The occupied lands are in small areas, as a rule, some of them a half acre, some an acre, some even 125 or 130 acres. They are substantially all disposed of. Each tenant took his holding and paid the price for it that the Government had to pay, with interest and the cost of surveying and administration.

If the Congress will permit the Philippine Government to continue under the policy so clearly and definitely embodied in the organic law, it will be only a comparatively short time until the balance of the friar lands will be disposed of and complete provision made for the payment of all the bonds, and that episode in the history of the Government will be a closed incident.

I refer again to the talk about absentee landlordism. If the friars had been absent from the islands there would have been no difficulty; there would have been no friction. There is no purpose or intention to exploit the public lands, but it is the intention to dispose of them in accordance with the organic act. If we close the door in the Philippines against American money and American enterprise, how can we hope that there will be any development in that fertile country? The eloquent gentleman from the islands [Mr. QUEZON] seems to be living in continual fear of Americanizing the islands. He opposes every proposition that looks toward American enterprise and the investment of American capital and the extension of American influence there. He has in mind immediate independence of the people of the Philippines.

Let me ask how in the name of common sense can those people be fitted for independence until the agencies of thrift and enterprise are at work, until there is substantial industrial freedom, and economic independence among the people. Our administration has done a great work in the archipelago. The Government there is in the hands of capable, honest, clean men. They know more about the situation there and the wants and needs of the people than we do. Let us stand by them unless we are morally sure they are making a serious mistake. They are simply doing what Congress said they should do when it passed the organic act in 1902, and they are making a magnificent success of it.

I should like to have the time to make some reference to Havemeyer and those associated with him in the purchase of the San Jose land. There has been no sale of land in the islands in violation of law either in letter or spirit. Havemeyer has not been outlawed. He is a young man 23 or 24 years of age. His misfortune perhaps was in the selection of a progenitor. The name Havemeyer is a bugaboo. If you want to stampee a bunch of politicians who are looking for reelection bring out the old scarecrow labeled "Rockefeller" or "Havemeyer" and the explosion will be instantaneous. I have no doubt that young Havemeyer could buy land in any State in the Union.

The charge that the American Sugar Refining Co., commonly known as the Sugar Trust, is interested in the purchase of the San Jose estate in the Philippines is absolutely unfounded. That estate contains about 56,000 acres in the wilds of the island of Mindoro. It was unoccupied and unimproved. The Philippine Government had to buy that land in order to get the lands that were occupied by tenants under the friars and which were the source of trouble. The truth is that the interests of the Sugar Trust are against the development of sugar production in the Philippines. The beet-sugar industries in this country, and particularly those in Colorado, Utah, and Idaho, have bitterly opposed every proposition to admit sugar into this country from the Philippine Islands free of duty. They sent an agent to the islands several years ago to investigate conditions there with a view of determining the resources of those islands that might be adapted to sugar production. That agent reported that while the islands were fertile and could be made to produce large quantities of sugar that under the crude and archaic methods used there was no probability of any considerable quantity of sugar being produced there for many years to come.

When the Payne tariff bill was up for consideration, the beet-sugar interests agreed to withdraw their opposition to the bill, if the quantity of sugar to be imported from the Philippines



should be limited to 300,000 tons a year. The bill went through, with that provision, without opposition from the beet-sugar men. When that bill became a law, a New York syndicate, headed by Horace Havemeyer, purchased the San Jose land, with the view of establishing a sugar plantation and a modern sugar mill thereon. Then the beet-sugar interest started sensational stories throughout the country and in the Philippines, to the effect that the Sugar Trust was intending to exploit the public lands in the islands and warned the people here and in the islands against the approaching danger.

That movement was started by the beet-sugar people, principally for the purpose of preventing the development of sugar production in the Philippines by modern methods, and thereby keeping out of our markets any considerable quantity of sugar that might come in free of duty. It was a scheme on their part to frighten the people and to cause Congress to amend the law so as to prohibit the production of sugar in the islands by successful methods. The Sugar Trust had no interest whatever in the San Jose property, either present or prospective. Horace Havemeyer, who was a member of the syndicate, was a director of the Sugar Trust at the time they made the purchase, and the board of directors protested against his investment in the Philippines and compelled him to resign as a director of the trust, which he did, and he gave up all the stock he owned in that institution.

The Sugar Trust owns a large if not a controlling share of the stock in the beet-sugar factories in the States of Colorado, Utah, and Idaho and it was to the interest of those concerns to keep Philippine sugar out of this country, so instead of the Sugar Trust attempting to exploit the Philippine Islands for its own selfish uses, it has permitted the use of its name as a scarecrow to stifle the development of sugar production in the islands.

The agent of the beet-sugar interests who investigated conditions in the archipelago, was present and attended all of the hearings during the investigation of the public-land question by the last Congress. Those interests sent out sensational stories to the people of the Philippines to the effect that the big monopolies of the United States were getting ready to absorb all of the public lands in the island and to reduce the people to a condition of peonage and serfdom, and if they succeeded it would forever prevent the political independence of the islands. Politicians and fomenters of enmity against the American administration in the Philippines, used those sensational but groundless statements for the purpose of exciting feeling in the minds of the natives against the United States. The fact is the Philippine Archipelago is being exploited by politicians here and there to advance their own selfish ambitions. They are willing to excite feelings of bitterness and hostility in the minds of the simple Filipinos against this country, if they can advance their own political interests by so doing.

This whole problem may be summed up in a few words. The natives in the islands were involved in a very bitter controversy with certain religious orders known as the friars. This Government concluded that it was best to buy the lands owned by the friars and sell them to the tenants, so as to avoid conflict and bloodshed. The organic law conferred authority upon the Philippine Government to purchase the lands. That Government bought the lands for \$7,000,000 and issued bonds to pay for them. The law required that tenants be given the preference in the purchase of their own holdings. About one half the lands were occupied by tenants and the other half was unoccupied. Seventy per cent in value and 60 per cent in area of the friar lands have been sold. Every foot that has been sold so far has brought the full cost price to the Government plus the accrued interest and the cost of administration. Five million dollars of the \$7,000,000 of bonds issued for the purchase of the lands have been provided, leaving \$2,000,000 yet to be paid by the people of the islands. There are about 125,000 acres of the land yet unsold. If the Government of the Philippines shall be let alone, within a comparatively short time it will have disposed of every acre of the friar land at cost, and that debt will be entirely wiped out of existence and the people of the islands will be relieved of the burden of bearing it.

It was the intention of Congress that those lands should be sold for money enough to pay the bonds that were issued for the purchase of the lands. The unoccupied lands can not be sold for the cost price, excepting by selling them in tracts to suit purchasers. This was the intention in making the law, and it has been the policy of the Philippine Government in relation to those lands ever since. Every officer who is charged with the responsibility of administration in the archipelago opposes any change in the organic law respecting the friar lands.

Everyone familiar with conditions in the Philippines is of the opinion that it would be good policy to encourage the estab-

lishment of several modern sugar mills and plantations in the islands on the theory that it would aid in the industrial development of the archipelago and that it would instill a spirit of industrial enterprise in the inhabitants. Of the unoccupied friar lands, 200,000 acres could be devoted to sugar production on a modern scale to great advantage to the people. There are 60,000,000 acres of public lands in the archipelago, most of which are open to homestead entries on easy terms. Two hundred thousand acres devoted to the production of sugar would be less than one-third of 1 per cent of the public lands. There could be no exploitation of the lands and no oppression of the natives of the islands under a policy of that kind.

President Taft, while he was governor of the islands and while he was Secretary of War, repeatedly declared that he was opposed to applying all the lands in the archipelago to sugar production, but he always insisted that it would be good policy to have a number of modern sugar mills and plantations in the islands. Two hundred thousand acres of land devoted to sugar out of sixty million acres devoted to other products is a very modest proportion. The tendency would be to promote industrial development and increase the opportunity for labor and incidentally to increase wages. Wages have already more than doubled since the Americans have occupied the islands. The only part of the friar lands that is to be devoted to sugar production is the San Jose tract. A sugar mill on that land has already been constructed and is ready for operation. There is no doubt that it will be a great benefit to the people of the islands. The sale of the balance of the friar lands, in accordance with the organic law and the policy of the government thereunder, will relieve the people of the payment of the bonds yet unprovided for.

Every consideration of wisdom and prudence protests against a change of the law under which such satisfactory progress has been made.

Mr. MORSE of Wisconsin. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add, on page 2, in line 21, after the word "holdings," the following: "Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of these lands."

Mr. JONES. Mr. Speaker, I make the point of order that this amendment is not germane.

Mr. MORSE of Wisconsin. I desire to be heard briefly on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MORSE of Wisconsin. Mr. Speaker, the amendment says:

*Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of these lands.*

The bill provides for the disposition of certain lands, the lands purchased by the friars, and this applies to these lands which are described in the same paragraph.

Mr. JONES. Mr. Speaker, I am not entirely sure that I understand just what is sought to be accomplished by this amendment. It would seem from the wording of the amendment that the proposition of the gentleman is that no individual shall be permitted to acquire more than 2,500 acres of the undisposed of friar lands. But I understand the purpose of the gentleman to be, although I doubt if his amendment would accomplish that purpose, that no individual shall acquire more than 2,500 acres of these lands from anybody; that no individual shall acquire more than 2,500 acres of the friar lands that may have already been sold by the Government to individuals. To illustrate, some 70 per cent of the 388,000 acres have already been sold, and the purpose of this amendment is to prevent any individual from acquiring more than 2,500 acres of those lands. Is not this the purpose of the gentleman from Wisconsin?

Mr. MORSE of Wisconsin. Yes; of the friar lands.

Mr. JONES. The gentleman admits this to be the purpose of his amendment. If the amendment provided that nobody could acquire more than 2,500 acres of friar lands from the Government, then it would be germane, but if its meaning is that nobody shall be permitted to acquire more than 2,500 acres of friar lands now owned by individuals, then it clearly is not germane. Some eight thousand and odd parcels of the friar lands have been sold to Filipinos, and those Filipinos under the law, after occupying them five years, can sell them to anybody. This amendment is intended to deprive these Filipinos of this right.

The SPEAKER. The Chair will suggest to the gentleman from Virginia that the effect of the amendment is one thing and whether it is germane is another.

Mr. JONES. I am stating the effect in order to show that the amendment is not germane. As I said in the beginning, I was



somewhat in doubt when the amendment was offered whether it was intended to apply only to the undisposed of friar lands, but the gentleman offering it frankly avows that his purpose in doing so is to prevent any individual from holding in excess of 2,500 acres of friar lands, no matter from whom acquired.

If it would accomplish this purpose it is, in my opinion, not germane to the subject matter of the bill.

The amendment is not intended to apply only to the 125,000 acres which the Government owns. It would be competent for Congress to say that these lands should not be disposed of in excess of 2,500 acres to any one individual, but, in my opinion, it is not competent for Congress, even if the amendment were germane, to say that land held in private ownership shall not be sold in excess of 2,500 acres. This would be in contravention of the treaty of Paris, I think.

But, as I have said, the amendment is not germane, because this bill, which it proposes to amend, simply seeks to limit the sale of the undisposed-of friar lands. This amendment is a very sweeping one. It not only provides that the Government shall not sell in excess of 2,500 acres to any individual, but that no individual can acquire from any other individual any part of the two hundred and sixty thousand and odd acres now held in private ownership, and therefore it is not germane.

The SPEAKER. The Chair will ask the gentleman this question: Does he or not think that if the Legislature of Missouri or Virginia or any other State came to the conclusion that it was dangerous for a citizen to own more than 160 acres of land in that State, it would be competent for the legislature to limit the amount that any individual could hold?

Mr. JONES. Such a law would not be constitutional in any of the States that have constitutions with which I am at all familiar. There may be States where such legislative action would be constitutional, but it has never been attempted in any State in the Union, so far as I know. Of course, it is competent to limit what a corporation may hold, because a corporation is a creature of the State. The State can say that a corporation engaged in the banking business shall only hold enough land upon which to build a banking house; or that one engaged in agriculture shall only own so many acres. But that is not the question here. I think, Mr. Speaker, that even if the Chair were to hold the amendment germane, and it should be adopted, it could not be carried into effect. I do not think Congress can limit the land holdings of an individual. It can, of course, limit the amount of land that an individual can purchase from the Government. I contend that this amendment is not germane, because it deals with a subject not embraced in this bill. It deals with the subject of private ownership of lands not acquired from the Government but from individuals. Therefore it is not germane to this bill.

Mr. TOWNER. Mr. Speaker, if I may be allowed a suggestion, the language of this amendment as it is presented certainly would operate only in futuro; it could not operate as to lands already sold, because lands already sold could not be acquired. This language applies only to the lands that are to be disposed of. Under the terms of the act as it now stands with the amendment that has been already accepted, the Philippine Legislature can dispose of these lands as it may desire. The gentleman now offers an amendment that not more than 2,500 acres can be acquired by any one individual. That places a limitation upon the act under consideration, and certainly must be germane. It seems to me there can be no question about its being germane to the bill that we have under consideration.

Mr. JONES. Mr. Speaker, just one word more. My remarks were predicated, of course, upon the statement of the gentleman offering the amendment. I asked him if his amendment applied equally to friar lands held in private ownership and those owned by the Government. The gentleman who has just spoken takes a different view from the gentleman from Wisconsin [Mr. MORSE], who seems now to have changed his mind on the subject. I suggest to him that if he wishes his amendment to apply only to undisposed-of friar lands, he should change it so as to make his meaning clear. When one gentleman places one construction upon the amendment and another gentleman places a different one upon it, I must accept the construction of the gentleman offering it.

Mr. MORSE of Wisconsin. Mr. Speaker, I did not know that the gentleman from Virginia [Mr. JONES] was a mind reader—

The SPEAKER. The Chair will ask the gentleman a question. Does this amendment mean that nobody shall acquire more than 2,500 acres of the unsold friar lands or that by no means whatsoever shall he acquire more than 2,500 acres of the friar lands which have been sold or may be sold?

Mr. MORSE of Wisconsin. My idea was that I could not limit the acquisition and make it germane to this bill unless it applied only to the unsold friar lands.

The SPEAKER. Then why not make the amendment say so? Mr. MORSE of Wisconsin. I think it does. It refers to "these lands."

The SPEAKER. Let me read the language of the amendment:

*Provided, however,* That no individual shall be permitted to acquire more than 2,500 acres of these lands.

Mr. MORSE of Wisconsin. That refers to the lands being disposed of under this bill.

The SPEAKER. If Members of Congress run afoul of each other about the meaning of this amendment, what is the reason that the court might not be somewhat confused about it, especially if the court consisted of more than one judge? A proposition that may be made clear ought to be made clear.

Mr. JONES. It could easily be made clear by making it refer to the lands unsold or undisposed of.

Mr. MORSE of Wisconsin. Mr. Speaker, let me call the attention of the Chair to this fact, that when the original law was passed, called the organic law, there was a provision which prevented a corporation from acquiring from any source more than 2,500 acres of land. I believe that was a wise provision and should attach also to an individual, but I recognize the fact that we are legislating only for these unsold friar lands, and with them in view I offered this amendment. It is not as extensive as I would like to have it, but I believe it is in order here. I believe it is germane, and I believe it is good legislation.

As to the reading, if the Chair thinks it would make the meaning clearer, I would be very glad to add the word "unsold," or have it refer to the unsold portion of these lands.

The SPEAKER. The Clerk will report the amendment as it would read with the words inserted.

The Clerk read as follows:

On page 2, in line 21, after the word "holdings," insert:  
"Provided, however, That no individual shall be permitted to acquire more than 2,500 acres of the unsold portion of these lands."

The SPEAKER. With those words inserted, the Chair will overrule the point of order made by the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I shall have to oppose this amendment, and I now ask unanimous consent that all debate upon the amendment be limited to 20 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I shall have no objection to that, providing I can have 10 minutes of that time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that debate on this amendment be limited to 20 minutes, he to control one half of that time and the gentleman from Wisconsin [Mr. MORSE] the other half. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to inquire whether this is going to be the last amendment, or if the gentleman from Virginia intends to move the previous question after the disposition of this amendment, so as to have a vote upon the bill to-night?

Mr. JONES. Mr. Speaker, I give notice that I desire to move the previous question after we dispose of this matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wisconsin is recognized for 10 minutes.

Mr. MORSE of Wisconsin. Mr. Speaker, I think everybody in this House by this time understands the meaning of this amendment. When we passed the organic act we provided that no corporation should acquire from any source—the Government or anyone else—more than 2,500 acres of land, and we did it to establish an agrarian policy there, the idea being that there was danger in large ownerships of land. Now, I realize the fact that even 2,500 acres is too large. I recognize the fact that 2,500 acres is too large an amount of agricultural lands. Understand, this does not apply to grazing lands, because these are agricultural lands almost exclusively. Now, the fact is that the law which limited the amount to 2,500 acres to a corporation was evaded, or if the law was not evaded, under the construction of the law which the gentleman from Indiana puts upon it and which the Attorney General put upon it, larger amounts than that were sold, nearly 60,000 acres going into one ownership. It seems to me that it is valueless to limit the amount of land that a corporation may hold to 2,500 acres when you permit the individual members of a corporation—the officers and stockholders—to acquire land in any amount that they may desire to acquire as individuals, because by so doing you defeat the very object of the act itself. I will, if I am given permission to extend my remarks, place in the Record the original act, known as the organic act, which limits the amount of land.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. MORSE of Wisconsin. Yes; for a short question.



Mr. MARTIN of South Dakota. Is it the gentleman's idea that the amendment which he proposes would prevent the acquisition of more than 2,500 acres of land by individuals after the Government of the Philippines had parted with the land?

Mr. MORSE of Wisconsin. Yes; that is the intention.

Mr. MARTIN of South Dakota. I would suggest to him, in my opinion it would not reach that. It is simply a limitation of the giving of land by the Government to occupants of this remaining territory.

Mr. MORSE of Wisconsin. The gentleman's opinion and mine are at variance on that subject. I hope the gentleman is not right.

Mr. MARTIN of South Dakota. I would like to ask the gentleman also is it the gentleman's idea that this provision would prevent corporations from acquiring more than 2,500 acres of these remaining lands?

Mr. MORSE of Wisconsin. The provisions of the organic act prevent that. Now, if the gentleman from South Dakota understands in the first part of this bill we are enacting to-day we put all the friar lands in the same category as the other public lands, and the other public lands can not be sold to corporations. No kind of corporation anywhere in the islands can acquire from the Government or from private sources more than 2,500 acres of land. That is the organic act.

Mr. MARTIN of South Dakota. I suggest to the gentleman I believe that his amendment, confining that language to an individual, would probably be interpreted as not including corporations as to the remaining lands.

Mr. MORSE of Wisconsin. We have taken care of corporations under that. The general law of the islands—the constitution of the islands—takes care of the corporations. Now, no man, it seems to me, can object to this legislation on the ground that the amount is too small. The idea of a large number of ownerships, the idea of homesteads, the idea of every man owning a piece of land and having a house over his head, a place he can call his own, will be carried out to a larger extent under a law which limits the holding of land to a reasonable amount than a law which permits the accumulation of a large amount of land by individuals or by a corporation. The gentleman from Virginia [Mr. JONES], I suppose, will urge that under our treaty with Spain we have not the power to do this. I have read the treaty most carefully, and when he reads the treaty I want the membership of the House to pay attention to that treaty, because I do not believe it possible to read into that treaty anywhere any words which affect the disposition or the control or ownership of land. That is a power that is inherent in every sovereign.

The State, the Nation, has the right by virtue of its sovereignty to protect itself and so frame its land policy, its agrarian policy, that it may prevent this thing which we have tried to prevent by the introduction of this bill, and in doing that we do that which the British Empire is endeavoring to do. In Ireland they are carrying out that same provision which was done only a few decades ago in Germany, and our States, many of them, have enacted laws to prevent corporations from acquiring more than a certain number of acres of land. These laws have been upheld not by virtue of the fact that the corporations had to get a charter but by virtue of the fact that the State had the right to protect itself on account of the powers that are inherent within a sovereign State, and I do not believe there can be a single question of constitutionality raised against this provision.

Mr. REES. Mr. Speaker—

The SPEAKER pro tempore (Mr. RAKER). Will the gentleman yield?

Mr. MORSE of Wisconsin. With pleasure.

Mr. REES. Suppose a man had 2,000 acres of land and should acquire through inheritance a thousand acres more? While I can see your position might be to the advantage of the Government, it does not seem to go far enough. There ought to be some other provision to take care of the cases of that kind.

Mr. MORSE of Wisconsin. I am inclined to think that the provision which would compel them within a reasonable time to sell might properly be added. I am inclined to think under a provision which, in the case of a foreclosure of a mortgage or in case of an inheritance, in those cases where the amount of land a man may acquire reached an amount greater than 2,500 acres, he would be required to sell the excess over that amount.

Mr. REES. Would it not be necessary to have such a proposition ingrafted?

Mr. MORSE of Wisconsin. Possibly not in the act itself. Possibly in the administration of the act.

Mr. Speaker, I reserve the balance of my time. I ask unanimous consent, however, first to extend my remarks in the Record by inserting parts of the organic act.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] asks unanimous consent to extend his remarks in the Record by inserting parts of the organic act. Is there objection? [After a pause.] The Chair hears none. The gentleman reserves the balance of his time, which is one minute.

Mr. JONES. Mr. Speaker, I am inclined to think that the interpretation which the gentleman from South Dakota [Mr. MARTIN] places upon this amendment is the correct one. As a matter of fact, in my own mind there is no doubt upon that subject. But assuming that the gentleman from South Dakota is wrong and the gentleman from Wisconsin [Mr. MORSE] is right, then there are two objections which I have to this amendment. The first objection is this: This bill, as has been said over and over again during this discussion, seeks to apply the limitations of section 15 to section 65. I have always believed that those limitations now apply, but the object of this bill is to make it clear, and therefore the measure under discussion substitutes for the words "subject to the limitations and conditions in this act" the words:

Under the same limitations and restrictions as are provided for in this act for the holding, sale, conveyance, or lease of public lands in said islands.

If this bill is passed, therefore, without amendment, it will make it clear that an individual can not purchase in excess of 40 acres of friar lands. This proposed amendment would be in conflict with that provision of the bill, and what would be the effect of its adoption I am not prepared to say. The bill would then contain a provision saying no individual could purchase friar lands in excess of 40 acres and another placing the limit at 2,500 acres. For that reason I am opposed to it. But my main objection to the amendment is that it seeks to limit the area of the land which one Filipino may purchase of another Filipino for all time to come if the land had ever been a part of the friar lands.

For instance, a citizen of the Philippines who happens to own 2,499 acres of land can never buy from another Filipino 2 acres of land if these 2 acres were ever a part of the friar lands. I do not believe this House will ever indorse such an unjust proposition as this. If this amendment is adopted, a citizen of the Philippines desiring to purchase lands which would increase his holdings beyond 2,500 acres, a hundred years hence, would be obliged to find out whether those lands were ever a part of the friar lands. If they had ever been a part of those lands, he could not purchase them legally. I am opposed therefore to the principle embodied in this bill. It is an infringement of individual rights. Congress has the right to say as to public lands that they shall only be sold to individuals in certain quantities. It can say this of the friar lands or any other Government-owned lands, but I doubt if it can say the same as to lands held in private ownership. It certainly should not so say. The gentleman from Wisconsin [Mr. MORSE], if he owned 10,000 acres of land in the Philippines, could say that he would not sell more than 50 acres to one individual, but I doubt if Congress has the power to say that for him.

Mr. MARTIN of South Dakota. I quite agree with the gentleman; but he rather answers what the gentleman from Wisconsin wishes in the amendment rather than what is in there.

Mr. JONES. The gentleman from Wisconsin not only wishes it, but he believes it.

Mr. MARTIN of South Dakota. Now, this provision refers to the land in actual occupancy there. The limitation would not refer to any individual in these other lands. In the judgment of the gentleman, ought they not to have a limitation in the lands of the Government as to the actual occupants of those lands?

Mr. JONES. Well, in my opinion the law now provides—and this bill does not seek to change it—that there shall be no limitation upon the holdings of actual occupants.

Mr. MARTIN of South Dakota. It seems to be so interpreted, but should there not be a limitation upon that?

Mr. JONES. I think that a Filipino who is in actual occupancy of, say, 250 acres of land, which may have been occupied by his ancestors for a hundred years, and who is actually cultivating it, should be permitted to purchase it. I would not put any restrictions upon him. As a practical question, however, no limitation is necessary. I think no Filipino is now occupying any considerable quantity of the undisposed-of friar lands. I am opposed to the policy which the gentleman from Wisconsin wishes to establish by his amendment. I do not believe it has been adopted by any civilized people on the globe. Whatever may be the effect of the treaty of Paris,



Congress should not attempt to impose the policy which this amendment is supposed to embody in the Philippines. The laws of Congress do not prohibit the buying of any number of acres of land in the District of Columbia, and I know of no State in the Union which puts a limitation on the land which an individual can acquire. The United States has for a hundred or more years placed the limitation of 160 acres upon a homestead entry. Congress can do this as to the public domain.

Mr. BUTLER. Let us have a vote.

Mr. JONES. Mr. Speaker, I ask for a vote.

The SPEAKER. The gentleman from Wisconsin [Mr. MORSE] has one minute.

Mr. JONES. I move the previous question on the amendment.

Mr. MANN. Will not the gentleman move the previous question on the bill—on both?

Mr. JONES. There are no other amendments pending. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Virginia [Mr. JONES] moves the previous question on the bill and the amendments to final passage.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. I understand if that motion prevails I shall have the opportunity to make a motion to recommit.

The SPEAKER. The motion to recommit is in order when we get to the proper place.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Wisconsin [Mr. MORSE].

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLMSTED. I desire to make a motion to recommit.

The SPEAKER. The gentleman will suspend for a moment. The substitute of the gentleman from Colorado [Mr. MARTIN] was pending, with a point of order against it.

Mr. JONES. I understood, Mr. Speaker, that the gentleman from Colorado withdrew it.

The SPEAKER. The Chair understands that the gentleman from Colorado was going to withdraw it, but, as a matter of fact, he never did withdraw it.

Mr. MARTIN of Colorado. I left the substitute pending, I will say, Mr. Speaker, just to give me the opportunity for a moment, if I am in order—

The SPEAKER. The previous question has been ordered, and that would cut off debate; but the Chair had forgotten about that, and if the gentleman does not withdraw it, of course the House will have to vote on it, provided the point of order is decided in favor of the substitute.

Mr. MANN. I ask unanimous consent to set aside the vote by which the bill was ordered to be engrossed and read a third time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to set aside the vote by which the bill was ordered to be engrossed and read a third time. Is there objection?

There was no objection.

The SPEAKER. Now does the gentleman from Colorado [Mr. MARTIN] withdraw his substitute, or does he want a vote on it?

Mr. MARTIN of Colorado. Mr. Speaker, I will ask the gentleman from Pennsylvania if he will be so kind as to indicate the character of his motion to recommit. What I may do with reference to this substitute may depend somewhat upon the character of his motion.

The SPEAKER. Of course, this is proceeding by unanimous consent.

Mr. OLMSTED. If permitted, I will say that my motion to recommit will be with instructions to report back the bill with an amendment at the end of it providing:

But nothing herein contained shall be construed to increase the amount of land which any corporation may hold.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman's motion does not shed very much light on my situation.

Mr. OLMSTED. That was not the purpose of it.

Mr. MARTIN of Colorado. I left my substitute pending in order to give me an opportunity, if I so desired, to say something with reference to the amendment of the gentleman from Pennsylvania [Mr. OLMSTED], which I think the House very mistakenly incorporated in the bill last Wednesday, permitting the Philippine Legislature to repeal or wipe out the limitations which this act seeks to impose upon the friar lands. In my judgment, Mr. Speaker, this House could, by two small amendments to the pending bill, absolutely wipe all of the Philippine

lands from the statute books. One of these amendments was incorporated in the bill by agreement with the committee last Wednesday, and the other was overwhelmingly defeated by the House a little while ago—the amendment of the gentleman from Pennsylvania to permit citizens of the United States to acquire lands in the Philippine Islands.

Mr. MANN. Mr. Speaker, this matter was quite fully discussed the other day.

Mr. BUTLER. And has been voted on.

Mr. MANN. And we have just ordered the previous question. I am not willing to stay here to have it discussed again after three days spent on the bill.

Mr. MARTIN of Colorado. Mr. Speaker, the gentleman from Illinois [Mr. MANN] can not feel half as reluctant as I do to consume a moment of the time of this House on this proposition; but I would like to have leave to say this, because I propose to make a motion to recommit, if I may, even if required to offer it as a substitute to the motion of the gentleman from Pennsylvania: That I believe if the amendment adopted by the House last Wednesday had been discussed like the amendment offered by the gentleman to-day, it would have been more overwhelmingly defeated than the amendment of the gentleman was defeated in this House not more than an hour ago, and I believe further, gentlemen, we ought in some proper manner to eliminate that amendment from this bill before it passes this House and is transmitted to the Senate. And I submit, whatever the parliamentary rights of the situation may be, it is not fair to this House, it is not fair to the interests involved, that the gentleman from Pennsylvania [Mr. OLMSTED] should be permitted to take advantage of the parliamentary situation and prevent another vote upon his amendment. If that amendment had been adopted in the Committee of the Whole, the opposition to it could simply call for a separate vote upon it.

Mr. MANN. Mr. Speaker, the gentleman could have reached the matter at any time to-day without any trouble. It is too late to do it now. I ask for the regular order.

The SPEAKER. The regular order is the vote on the substitute of the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, the Chair has not decided the substitute out of order, and I have not been called to order yet as not discussing the point of order against the substitute.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls for the regular order, which is equivalent to an objection. This matter was proceeding by unanimous consent, and that is the only way in which it could possibly be debated, and he calls for the regular order, which ends the debate.

Mr. OLMSTED. Mr. Speaker, the point of order I now make against the gentleman's amendment which I did make the other day—

Mr. MARTIN of Colorado. What is the gentleman's point of order?

Mr. JONES. Mr. Speaker, the question before the House is my motion.

Mr. MANN. No; it is not.

The SPEAKER. No; the question before the House is the point of order of the gentleman from Pennsylvania [Mr. OLMSTED]. The gentleman will state it.

Mr. OLMSTED. My point of order is that the substitute amendment of the gentleman from Colorado [Mr. MARTIN] relates to the public lands and every other kind of lands. The pending bill relates only to the friar lands, section 64. The gentleman's amendment relates to section 15 of the act, and not only relates to all kinds of lands but provides a system of escheats, an entirely different subject, and provides for penal offenses upon subjects totally different from the pending bill, and is therefore not germane thereto.

Mr. Speaker, the rule is that no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

This bill is founded exclusively on section 65, which section relates only to lands in express terms on the face of it, lands purchased under the preceding section, which is the sixty-fourth section—purchased by the Philippine Government from private parties. Now, section 15, which the gentleman's amendment proposes to amend, does not relate to these lands at all but to the lands purchased by the Government of the United States from the Crown of Spain. It is an entirely different matter.

The SPEAKER. As I understand the gentleman, this bill is confined entirely to the friar lands?

Mr. OLMSTED. Yes; to lands purchased under section 64, commonly called the friar lands. Section 15 relates exclusively to public lands acquired from the Crown of Spain.



The SPEAKER. Does the gentleman from Colorado desire to be heard on the point of order?

Mr. JONES. Mr. Speaker, the previous question has been ordered.

The SPEAKER. But a point of order is always debatable if the Chair desires to hear gentlemen.

Mr. JONES. After the previous question is ordered?

The SPEAKER. A point of order is a point of order after the previous question is ordered as it is before.

Mr. MARTIN of Colorado. Mr. Speaker, I think I could return the compliment against the gentleman from Pennsylvania, for he has offered an amendment that corporations shall not be affected by the pending bill, not only in respect to the friar lands, but the public domain and lands in private ownership—all kinds of lands in the Philippine Islands. So, in effect at least, the proposition embodied by the gentleman from Pennsylvania in his motion to recommit is not confined alone to friar lands.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Does the motion of the gentleman from Colorado relate to the amendment adopted a week ago?

Mr. JONES. No; it is on a different subject.

The SPEAKER. The Chair's understanding was that it was to be offered as a substitute for the bill.

Mr. MARTIN of Colorado. Will the Chair permit me just for a moment?

Mr. Speaker, I believe my substitute is germane to the subject matter of the bill, because the bill in terms incorporates the friar lands into the public domain of the Philippine Islands. My substitute not only declares the limitations upon the land in the public domain to apply to the friar lands, but provides for an escheat back to the Philippine Government in all cases in which the limitations have been exceeded. Now, it would be a very small matter to change this amendment and offer it to section 65. I submit that the very character of the pending bill incorporating these lands into the public domain, so that the public-land limitations will apply without so stating on the face of the bill, makes the substitute germane.

The SPEAKER. The Chair will take judicial notice of the fact that from the very beginning of our occupancy of the Philippine Islands the Crown lands have been considered as one thing and the friar lands as another; and the rules and regulations touching the Crown lands are different from the rules and regulations touching the friar lands. This bill, which has been discussed for three days, has reference entirely to the friar lands. The substitute offered by the gentleman from Colorado [Mr. MARTIN] not only affects the friar lands but it affects the Crown lands and every other sort of land that we own over there, if we own any; it also provides for an elaborate system of escheat, a subject that this bill has nothing in the world to do with. It also makes certain acts crimes; and provides penalties for the same. Therefore the substitute of the gentleman from Colorado [Mr. MARTIN] is ruled out and the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED] is sustained.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. Am I in order to offer a substitute to section 65?

The SPEAKER. The previous question has been ordered and the amendment is out of order. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. OLMSTED. Mr. Speaker, I offer the following motion to recommit with instructions, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania offers a motion to recommit with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. OLMSTED moves to recommit the bill H. R. 17756 to the Committee on Insular Affairs, with instructions to report the bill back to the House forthwith, with an amendment, adding at the end of the bill the words:

"But nothing herein contained shall be construed to increase the amount of friar lands which any corporation may hold."

Mr. MARTIN of Colorado. Mr. Speaker, I make the point of order against the motion to recommit that that is already the existing law in the Philippines, which fact the gentleman well knows. No one knows better than he that section 65 prevents the acquisition by a corporation of more than 2,500 acres of this land.

The gentleman knows the sales already made of these lands have been made under the guise of sales to individuals. If

there was any one proposition contended for by the War Department, contended for by a majority of the Committee on Insular Affairs, contended for by the gentleman himself throughout the investigation of the sale of these friar lands, it was that this was a sale to an individual and not to a corporation, because they well understood that section 65 of the organic act protected these lands and all other agricultural lands, whether friar lands or public lands or private lands, from acquisition by a corporation to an amount in excess of 2,500 acres.

The SPEAKER. The Chair will ask the gentleman from Colorado if the only point he makes against the motion to recommit is that it reenacts existing law?

Mr. MARTIN of Colorado. Mr. Speaker, in my judgment this alleged motion to recommit is nothing more than a subterfuge. The gentleman has already altered it since he has read it to me for my information, by seeking to confine it to the friar lands. As the gentleman read that motion to recommit a few moments ago, it was not confined to any kind of lands.

Mr. COOPER. Mr. Speaker, the question results in this, whether a motion to recommit can resolve itself into a mere sham to take the place of a genuine motion to recommit. This is made by the gentleman from Pennsylvania, in my opinion, to prevent a motion to recommit to strike out the amendment which was adopted the other day, which never ought to have been adopted.

The SPEAKER. The Chair will state to the gentleman from Wisconsin [Mr. COOPER] and all parties concerned that a motion to recommit, the previous question having been ordered, is amendable, but is not debatable.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer a substitute for the motion to recommit.

The SPEAKER. The Chair will entertain a substitute provided it is germane to the bill. The Chair overrules the point of order made by the gentleman from Colorado [Mr. MARTIN] that the motion of the gentleman from Pennsylvania is out of order because it reenacts existing law. If that were true it might be a superfluous performance, but there is no parliamentary rule against reenacting all of the statutes. The Clerk will report the substitute for the motion to recommit offered by the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

That the bill be recommitment with instructions to report the bill back forthwith, with an amendment striking out the following language inserted as an amendment after the word "Islands," on page 2, line 6, to wit:

"Unless the Philippine Government shall hereafter provide otherwise by appropriate legislation either generally or as to any specific tract or tracts."

Mr. MARTIN of Colorado. Mr. Speaker, on that I move the previous question.

Mr. OLMSTED. Mr. Speaker, I make the point of order that the motion to recommit offered by the gentleman from Colorado attempts indirectly to do what could not be done directly by the House—in other words, to strike out an amendment already adopted, upon which there are several authorities if the Chair cares to hear them. It has been ruled over and over again by various Speakers and Chairmen, that what has once been put into a bill by the House can not, either directly or indirectly, be taken out again.

Mr. HILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL. Mr. Speaker, I make it in order to broaden my information on the subject. As I understand the rule, after the bill has been engrossed and read a third time but one motion to recommit can be made.

The SPEAKER. That is true.

Mr. HILL. And if this substitute is offered it is indirectly making two motions to recommit.

The SPEAKER. It has been decided over and over again by Speaker Carlisle, Speaker Crisp, and I suppose all the rest of the Speakers, that a motion to recommit either with or without instructions is amendable, and of course that embraces a substitute, for a substitute is a species of amendment. In fact, it was ruled squarely once that it did embrace a substitute. Of course this condition attaches to it, that the matter in the substitute must be germane, that it would have been germane or in order as an amendment when the bill was pending.

Mr. MANN. Mr. Speaker, I would suggest that there is a very easy parliamentary way out of the difficulty. In the first place, the gentleman for two days might have moved to reconsider the vote by which the amendment was adopted.

Mr. MARTIN of Colorado. But the gentleman voted against the amendment and had no right to move a reconsideration.

Mr. MANN. It was adopted on a roll call. It was easy enough to get somebody to move to reconsider the vote. In the second place, I do not think the gentleman's substitute is germane to the motion of the gentleman from Pennsylvania to



recommit, but I do believe it would be germane to move to recommit the bill with instructions to strike out all after the word "that" and insert the following; that is, insert the original bill.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the amendment suggested by the parliamentary luminary from Illinois. [Applause.]

Mr. OLMSTED. Mr. Speaker, I make the point of order that two substitutes can not be in order at the same time.

Mr. MARTIN of Colorado. I am offering the original bill as a substitute, with instructions that the original bill be reported back forthwith, and on that motion I move the previous question.

Mr. OLMSTED. I make the point of order that two substitutes are not in order at the same time.

Mr. MARTIN of Colorado. And I withdraw my first substitute.

Mr. OLMSTED. I object to its withdrawal.

Mr. MARTIN of Colorado. Mr. Speaker, I offer the original bill—

The SPEAKER. The gentleman from Colorado withdraws his first substitute—

Mr. OLMSTED. I object to its withdrawal.

The SPEAKER (continuing). And offers the original bill. He has a right to withdraw his original substitute.

Mr. MANN. I understand the gentleman offers instructions to report the amendment by striking out all after the word "that" and insert the following?

Mr. MARTIN of Colorado. Certainly. [Laughter.]

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. OLMSTED. Is the gentleman from Colorado entitled to withdraw an amendment or a substitute against which a point of order is pending? Can he withdraw it without unanimous consent?

The SPEAKER. He has as much right to withdraw that as any Member has to withdraw an amendment he has offered in the House.

Mr. OLMSTED. But can any Member withdraw it except by unanimous consent?

The SPEAKER. He can in the House, but he would have to have unanimous consent in the Committee of the Whole or in the Committee of the Whole House on the state of the Union.

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The Chair will entertain that in a moment—

Mr. OLMSTED. I desire to be understood—

The SPEAKER. Will the gentleman suspend for just a moment?

Mr. OLMSTED. Mr. Speaker, I do not want to lose my right to object to the amendment as not being germane to my motion to recommit and that it is otherwise out of order to strike out of a bill that which the House has put in. I do not want to lose that opportunity.

The SPEAKER. The gentleman will not lose the opportunity. The gentleman from Colorado moves the previous question on his substitute, which the Clerk will report.

The Clerk read as follows:

Strike out all after the enacting clause in the original bill and insert the following:

"Be it enacted, etc., That section 65 of an act entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' be amended so as to read as follows:

"Sec. 65. That all lands that have been or may hereafter be acquired by virtue of the preceding section shall constitute a part and portion of the public domain of the Government of the Philippine Islands, and shall be held, sold, and conveyed, or leased temporarily, under the same limitations and restrictions as are provided in this act for the holding, sale, conveyance, or lease of the public lands in said islands: *Provided*, That all deferred payments and the interest thereon shall be payable in money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment for said lands by the preceding section, and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands, or by reason thereof, shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the Government shall have the preference over all others to lease, purchase, or acquire their actual holdings within such reasonable time as may be determined by said Government, without regard to the extent of their said holdings."

Mr. OLMSTED. Mr. Speaker, I make the point of order that that is not germane to my motion to recommit or to the amendment contained in my motion, and, furthermore, it is an attempt to do indirectly what the House can not do directly, and that is simply to eliminate an amendment which the House has already voted into the bill.

Mr. MANN. Mr. Speaker, I take it that the amendment of the gentleman from Pennsylvania is germane to the bill if the

bill is germane to the amendment. [Laughter.] I recollect in this House on one occasion when the House after consideration of a long bill in the Committee of the Whole House, where various amendments were adopted, that the gentleman in charge of the bill when it came back to the House offered an amendment striking out all after the word "that" and presenting to the House again whether it would pass the bill with amendments inserted in the committee or whether it would pass it without the amendments inserted in the committee. Now, the House has a right to vote upon the proposition to pass this bill with an amendment that has been inserted or to vote to pass it in the form of the bill as it came in the House without the amendment it inserted. That gives the House the latitude of determining—in fact, the very purpose of the motion to recommit, in the first place, was to permit the gentleman in charge of the bill, where an amendment had been inserted or some error had crept into the bill, himself to move to recommit with instructions in order that the error might be corrected or the amendment be eliminated.

And since my service in this House of Representatives, until the rules of the Sixty-first Congress were adopted, it was the practice of every Speaker to give to the gentleman in charge of a bill prior recognition, if he asked for it, on the motion to recommit, because the original purpose of that motion was to permit the gentleman to correct the bill. Now, here is a situation where the House, having gotten beyond the point where a change can be made in the bill except by unanimous consent or a motion to recommit, and the House desiring to correct a mistake in the bill, the motion to recommit comes in for the very purpose of permitting the House to vote as it desires to vote. [Applause.]

Mr. TOWNER. Mr. Speaker, I desire to say a word regarding the point of order made by the gentleman from Pennsylvania [Mr. OLMSTED]. It seems to me we ought not to forget that there is a right recognized, as the Chair very well stated recently in a very notable case, of precedence on the part of a member of a committee to make this motion to recommit. That has been made by the gentleman from Pennsylvania [Mr. OLMSTED], who has been recognized by the Chair.

Now, if it shall be allowed that another Member of the House can, by an entirely different motion to recommit, offering it as an amendment or as a substitute, have it take the place of the one already offered by the gentleman who had the right of precedence, it deprives the latter of that right. And I desire to make this suggestion to the Chair by way of illustration. In the case recently before the House, where the Chair recognized the gentleman from Illinois [Mr. MADDEN] as entitled to the right of precedence to make the motion to recommit, one motion only being allowed, would it have been proper for the gentleman from Illinois [Mr. MANN] to have moved to offer his motion as a substitute and to have the right to a vote of the House on his motion to recommit?

Mr. MANN. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. MANN. The "gentleman from Illinois" would not only have had the right himself to do it, which would have been exercised to offer a substitute for the motion of my colleague from Illinois [Mr. MADDEN], if my colleague had not moved the previous question and if the House on roll call had not adopted the previous question. We tried to defeat the previous question, for which I think the gentleman [Mr. TOWNER] voted, in order that I might offer a substitute for the motion to recommit.

Mr. TOWNER. But has not the previous question been ordered here?

Mr. MANN. Not on the motion to recommit.

Mr. TOWNER. Very well. That not being the condition, let me make this suggestion: If that be true, then there is no possible benefit to be derived by any gentleman having the right of precedence to make a motion to recommit.

Mr. MANN. It permits, in any case, a roll call.

Mr. MARTIN of Colorado. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The Chair will rule on this question.

Mr. OLMSTED. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will hear the gentleman, although—

Mr. OLMSTED. That being the case, I do not care to be heard. [Laughter.] However, if the Chair is inclined the other way, I would like to be heard.

The SPEAKER. The Chair is very much inclined the other way.

Mr. OLMSTED. Then I would like to be heard. In the first place, Mr. Speaker, this bill in the very concluding words of it, as it now stands, permits the actual settlers to acquire their actual holdings without regard to the extent of their said hold-



ings, and my very proper amendment, which I insert in that motion to recommit, provides that that shall not be construed to give corporations any authority to hold more than they are now authorized by law to do.

Now, the gentleman from Illinois [Mr. MANN] very wittily says that if an amendment is germane to a bill the whole bill is germane to the amendment. That is perfectly absurd, Mr. Speaker, as any man may readily see. Suppose you have an appropriation bill here with 200 sections in it. If an amendment is germane to one section of the bill, is the whole bill germane to that amendment? Never in the world. It is perfectly ridiculous. Here is an amendment of mine which is limited strictly to the holdings by actual occupants and settlers, provided, if they happen to be a corporation they can not hold more than the law now provides as to a corporation. It is a perfectly legitimate provision, and no sham, notwithstanding what the gentleman has said. The proposed substitute covers a whole lot of other things that are in the bill now, but that does not make them germane to my amendment with reference to corporations.

And I want to call attention to some authorities. I find in the Manual, at page 382, a motion to recommit.

The SPEAKER. What page?

Mr. OLMSTED. Page 382. The motion, after the motion to recommit—

may be amended, as by adding instructions—

And so forth—

but it is not in order to propose as instructions anything that might not be proposed directly as an amendment.

Now, does anybody contend that it would have been proper at any time to-day for the gentleman from Colorado [Mr. MARTIN] or any other gentleman to rise in his place and move to strike out the amendment that was put in a week ago to-day? That is all that his motion to recommit does.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania a question. Suppose the House or the Committee of the Whole House on the state of the Union inadvertently included in a bill a proposition that it is not willing to stand for, but is in favor of all the rest of that bill. Has the House no remedy except to go on and either vote for or against the bill unchanged?

Mr. OLMSTED. The House has no remedy except under the rules. There was no inadvertence about it in this case. It was on a ye-and-nay vote that that amendment was put in by a majority of three to one. Under the rule on that day or on the succeeding day a motion to reconsider would have been in order. But after that there is no way by which that can be got out of the bill except by unanimous consent or by defeating the bill.

Those are the precedents, uncontradicted for a century. It is not in order to propose by way of a motion to commit with instructions anything that could not be proposed in the House as an amendment to the bill.

Now, there are rulings by Speaker Carlisle, by Speaker Cobb, and by Speaker Reed to the effect that anything that has once been put into a bill by a vote of the House can not be taken out of it. You can add to it, but you can not take it out. The gentleman from Illinois [Mr. MANN], I am sure, must be familiar with those precedents. I have read them all during the day. If the Chair overrules this point of order, he will overrule a line of precedents set by all his predecessors from the foundation of the Government. You can not take this amendment out of the bill without violating the rules and the precedents. This proposed motion to recommit takes nothing out of the bill and proposes no change in it except to eliminate that amendment.

Now, I just happen to have here—

The SPEAKER. The Chair will ask the gentleman another question. Was the gentleman here on the day at the extraordinary session of this Congress when we had up the publicity bill, so called, and there was a large membership of the House in attendance, and it was a very hot fight, and the gentleman from Kansas [Mr. JACKSON] offered an amendment, which was adopted, and a few minutes afterwards the chairman of the committee having the matter in charge moved to recommit, with instructions to the committee to report it back forthwith, leaving out the Jackson amendment? Nobody raised any objection to it; the committee did immediately report it back without the Jackson amendment, and the House voted on roll call to sustain that action.

Mr. OLMSTED. That was all right. There was no point of order made. Furthermore, it was on the same day on which the amendment was adopted, and it amounted practically to a reconsideration, which can be made on that day or on the succeeding day, but it can never be made again. That is what this amounts to.

Now, here is a ruling of Speaker Crisp on a motion to recommit with instructions:

The Chair is of the opinion that it is not competent to do by indirect action that which could not be directly done; that it is not competent for the House to direct the committee to do something which the committee itself could not do by reason of a rule restricting it from such action.

That is by Speaker Crisp. If I had the time, I could cite half a dozen rulings to that effect.

The SPEAKER. What is that?

Mr. OLMSTED. That is section 5533 in the fifth volume of Hinds' Precedents. The motion was made by Mr. De Armond, of Missouri, to recommit with instructions.

Mr. MANN. Mr. Speaker, I think the rule laid down by the gentleman from Pennsylvania [Mr. OLMSTED] is absolutely correct, and you can not offer a motion to recommit to insert anything that would not have been in order as an amendment. That is too well settled to controvert. But here was a proposition where the House in the consideration of a bill inserted an amendment in the original text of the bill. It was quite in order in the House at any time to have moved to strike out that portion of the text including the amendment and to have inserted in lieu thereof something else. It was quite in order, as was done in this case, for the gentleman to offer his substitute, which is an amendment, after the entire consideration of the bill, except the substitute, has been concluded. Now, the substitute is a mere amendment. We had presented to us—ruled out of order because it was not germane, but still with the right to offer it—a substitute amendment to this bill, and the substitute amendment might have been precisely the same amendment now proposed on the motion to recommit. The rule is—

An amendment in the nature of a substitute may be proposed before amendments to the original text have been acted on, but may not be voted on until such amendments have been disposed of.

The SPEAKER. Where is the gentleman reading?

Mr. MANN. I am reading from the Manual, page 397, section 805—

When a bill is considered by sections or paragraphs an amendment in the nature of a substitute is properly offered after the reading for amendment is concluded.

You can offer a motion in the way of a substitute when the first section or paragraph is read. You can offer it during the consideration of the bill and have it pending, or you can wait until the House or the Committee of the Whole has concluded the perfecting of the original text of the bill and then offer a substitute, which is an amendment. Now, that is all the gentleman from Colorado [Mr. MARTIN] has done. He now proposes an amendment, which is, in fact, a substitute for the bill and, being an amendment, would have been in order as an amendment, and, being in order as a amendment, is in order as a substitute. [Applause.]

Mr. GARRETT. Mr. Speaker, I am personally indifferent as to the fate of the amendment which was voted into the bill by the House. I voted for the amendment proposed by the gentleman from Pennsylvania because I saw no objection to it; but upon the parliamentary situation, it seems to me that as a common-sense proposition the gentleman from Pennsylvania [Mr. OLMSTED] is correct. I have not the precedents at hand. The amendment of the gentleman from Pennsylvania was put into the bill not by the vote of the committee, but by the vote of the House, if I remember correctly, upon a roll call. It represented the deliberate judgment of the House, presumably. It would have been in order, if any gentleman who voted for that amendment had changed his mind, to move to reconsider, and that would have been the regular and orderly way in which to proceed. But now we have what amounts to practically a motion to reconsider by a gentleman who voted against that amendment. It is a motion for a new trial, not under the rule of reconsideration, but by one who stood then as he stands now, after the deliberate judgment of the House has once been taken on a roll call upon the amendment. When is there to be an end to these propositions? Had it been in committee the situation would have been different, I concede; but the judgment of the House having been once taken, is not the submission of the motion to recommit simply giving to the gentleman the right to move to reconsider when he would not have had it under the regular rules of the House. I submit that to the consideration of the Speaker. It seems to me the common-sense reasoning of the proposition lies with the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, may I call the attention of the Chair to another authority? I had a whole list of them here, but some one has disarranged my papers. But I will call attention to section 5531 in the fifth volume of Hinds' Precedents. The previous question had been demanded on the passage of a bill. A motion was made to recommit the bill with



instructions to report the Senate bill for which this substitute had been adopted.

Mr. William M. Springer, of Illinois, made the point of order that the Senate bill was the text that the House had stricken out, and it was not in order to direct the committee to report that which the House had just rejected.

The Speaker, Mr. John G. Carlisle, sustained the point of order and held that it was not in order to move the recommitment of a bill with instructions to report matter which would not be in order if offered as an amendment in the House; that is to say, it would not be in order because the House had passed on it already. The House had just voted to strike out the text of the Senate bill and insert a new proposition, and it was not, therefore, in order to do directly by way of recommitment that which could not be done directly by way of amendment.

That covers both my propositions.

The SPEAKER. The Chair will ask the gentleman what he has to say about the statement made by the gentleman from Illinois [Mr. MANN], that during the consideration of this bill, at any stage of it, it would have been competent to have moved to strike out any language in the bill, including this very amendment of the gentleman from Pennsylvania, which was put in the bill.

Mr. OLMSTED. It is possible that some amendment of that kind might have been found, but this is not that amendment. This does not strike out anything but my amendment.

Mr. MANN. The Speaker does not know that.

Mr. OLMSTED. The Speaker does know it, because it appears from the reading of the amendment and the bill. If they proposed to strike out something else which my amendment perfected, that might be in order, but they do not propose to touch anything but my amendment, and that can not be done under the rules and precedents of this House.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

Mr. GARRETT. I will withhold the motion for a moment.

Mr. MANN. Mr. Speaker, I call the attention of the Chair to Jefferson's Manual, page 244, where, in reference to amendments, it is provided:

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition, for then it is resolved into the common case of striking out a paragraph after amending it.

Then there is a citation there that may be in the gentleman's favor.

Mr. GARRETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn.

The question was taken, and Mr. GARRETT and Mr. OLMSTED demanded a division.

The House divided.

Mr. MANN. Mr. Speaker, pending the announcement of the vote, the previous question having been ordered on the bill, if the House adjourned, would it not come up to-morrow as unfinished business?

The SPEAKER. No; it would come up next Wednesday, the previous question having been ordered.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. This bill having occupied three days, will it come up on next Wednesday?

The SPEAKER. It will come up next Wednesday as unfinished business, the previous question having been ordered. The Chair would like to state that this is an exceedingly important question to be ruled on, and as far as the Chair knows it has not been raised for years, and the Chair hesitates a good deal about making an offhand ruling on a question that involves a fundamental proceeding of the House. On this vote the yeas are 53 and the noes are 44. The yeas have it, and the motion to adjourn is agreed to.

#### ADJOURNMENT.

Accordingly the House (at 6 o'clock and 5 minutes p. m.) adjourned until to-morrow, Thursday, May 16, 1912, at 11 o'clock a. m.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, pursuant to House resolution No. 398, statement showing the various buildings, etc., also the present water supply and its condition

at the posts mentioned in said resolution for abandonment (H. Doc. No. 759); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting estimate of appropriation for resurvey of land in Nebraska (H. Doc. No. 756); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of deficiency in appropriation for "Subsistence of the Army" for the current fiscal year (H. Doc. No. 757); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BARTHOLDT, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 100) authorizing the President to instruct representatives of the United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference, reported the same with amendment, accompanied by a report (No. 705), which said bill and report were referred to the House Calendar.

Mr. GARNER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 21479) appropriating money to enable the President to propose and invite foreign Governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world, and to enable the United States to participate in said conference, reported the same without amendment, accompanied by a report (No. 711), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAIR, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 712), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5428) to amend section 1 of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 22090) to subject the lands in the former Fort Niobrara Military Reservation and other lands in Nebraska to homestead entry, reported the same with amendment, accompanied by a report (No. 719), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 3850) to promote efficiency and economy in the administration of the Navy Department, reported the same with amendments, accompanied by a report (No. 715), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 290) to authorize the appointment of dental surgeons in the United States Navy, reported the same with amendments, accompanied by a report (No. 716), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREGG of Texas, from the Committee on Naval Affairs, to which was referred the bill (S. 1724) to amend section 14 of "An act to promote the administration of justice in the Navy," approved February 16, 1909, and to provide for the destruction of records of deck courts in the United States Navy, reported the same without amendment accompanied by a report (No. 714), which said bill and report were referred to the House Calendar.

Mr. KOPP, from the Committee on Naval Affairs, to which was referred the bill (H. R. 23832) to amend section 1440 of the Revised Statutes of the United States, reported the same with amendment, accompanied by a report (No. 717), which said bill and report were referred to the House Calendar.

Mr. HOWARD, from the Committee on Labor, to which was referred the joint resolution (H. J. Res. 202) in reference to the



employment of enlisted men in competition with local civilians, reported the same with amendment, accompanied by a report (No. 718), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 24214) granting a pension to Mrs. William L. Beverly, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROUSE: A bill (H. R. 24561) for the transfer of the military reservation of Fort Thomas, Ky., to the Navy Department; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 24562) to place fresh meats on the free list; to the Committee on Ways and Means.

By Mr. FERGUSON: A bill (H. R. 24563) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901; to the Committee on Indian Affairs.

By Mr. BATHRICK: A bill (H. R. 24564) for the purchase of a site and the erection thereon of a public building at Akron, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HAYDEN: A bill (H. R. 24566) to appropriate \$75,000 for the survey and resurvey of public lands in the State of Arizona; to the Committee on Appropriations.

By Mr. NELSON: A bill (H. R. 24567) to provide for the erection of a Federal building at Madison, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 24568) to refund the cotton tax realized to the Government under the various acts of Congress; to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 24601) providing for a national military reserve; to the Committee on Military Affairs.

By Mr. GARRETT: Resolution (H. Res. 540) authorizing the appointment of a committee to investigate the Mississippi River levees and defining its duties, etc.; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 24569) to correct the military record of Orvis P. Smith; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 24570) granting an increase of pension to John Richardson; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 24571) granting an increase of pension to Adaline Townsend; to the Committee on Pensions.

Also, a bill (H. R. 24572) granting an increase of pension to Philena H. Miles; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 24573) granting an increase of pension to Margaret Berg; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 24574) granting an increase of pension to Jacob Zimmerman; to the Committee on Pensions.

Also, a bill (H. R. 24575) for the relief of the estate of John L. Shackelford; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 24576) to correct the military record of Joseph R. Berg; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 24577) granting an increase of pension to Edward Furrow; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 24578) granting a pension to Isaac Gossett; to the Committee on Pensions.

Also, a bill (H. R. 24579) granting an increase of pension to Henry Fryman; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 24580) granting a pension to John W. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24581) granting a pension to Olie A. Linscott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24582) granting an increase of pension to James T. Piggott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24583) granting an increase of pension to Alice M. McCoy; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 24584) granting an increase of pension to Mary H. Atkinson; to the Committee on Invalid Pensions.

By Mr. LITTLETON: A bill (H. R. 24585) providing for the adjudication of claim of Elizabeth J. Graham by the Court of Claims; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 24586) granting an increase of pension to Samuel S. Epla; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 24587) granting an increase of pension to Samuel W. Smith; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 24588) granting a pension to Christine M. Dogherty; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 24589) granting an increase of pension to Peter N. Hardman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24590) to remove the charge of desertion from the record of George F. Johnson; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 24591) granting an increase of pension to Pinckney D. Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24592) granting an increase of pension to Elijah Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24593) for the relief of the heirs of William Britton, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 24594) granting an increase of pension to Franklin A. Minor; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 24595) granting a pension to Henry H. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24596) granting an increase of pension to Michael C. Bratton; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 24597) for the relief of Mildred J. Bray; to the Committee on Claims.

By Mr. SMITH of Texas: A bill (H. R. 24598) for the relief of Jesus Silva, jr.; to the Committee on the Public Lands.

By Mr. STANLEY: A bill (H. R. 24599) for the relief of the estate of David O. Conn, deceased; to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 24600) for the relief of the widow and heirs of James R. Veale, deceased; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of the National Association of Talking Machine Jobbers, Pittsburgh, Pa., opposing any change in present patent laws that may affect price maintenance; to the Committee on Patents.

By Mr. BRADLEY: Resolutions of the Patriotic Order of Sons of America, favoring passage of the Dillingham bill for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BUTLER (by request): Resolutions of L. L. L. Dunn Lodge, No. 222, Independent Order B'rith Sholom, of Chester City, Pa., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BURKE of Wisconsin: Papers to accompany bill granting increase of pension to Albert Butler; to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Sarah E. Coleman; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 24534, granting an increase of pension to Julius Kloehn; to the Committee on Invalid Pensions.

By Mr. CARLIN: Papers to accompany bill for the relief of the estate of John L. Shackelford; to the Committee on War Claims.

By Mr. CALDER: Petition of W. J. Holliday & Co., Indianapolis, Ind., protesting against passage of House bill 16844, relative to having the manufacturers' brands on all goods sold; to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Calder, Springville, N. Y., protesting against any change in the patent law that would affect the maintaining of resale prices; to the Committee on Patents.

Also, petition of Mrs. J. B. Beck, Taunton, Mass., favoring passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.



Also, petition of Wisner Manufacturing Co., New York, N. Y., favoring passage of the 1-cent letter rate; to the Committee on the Post Office and Post Roads.

By Mr. ELLERBE: Petition of citizens of the cities of Florence, Darlington, and Hartsville, State of South Carolina, favoring passage of bill to regulate express rates and express classifications; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175), containing educational test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petition of the Association of Jewish Women of Chicago, Ill., against passage of the Dillingham and other bills containing educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill, containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Junior Order United American Mechanics of the State of New York, favoring passage of the Dillingham bill (S. 3175) containing literacy test; to the Committee on Immigration and Naturalization.

By Mr. FOSTER: Petition of citizens of Texico, Ill., favoring enactment of a parcel post; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Isaac N. Roberts, of Rockton, Ill., favoring passage of House bill 1339, to increase pensions of soldiers of Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

Also, petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill (S. 3175), relating to educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Excelsior Bible class of Epworth Methodist Episcopal Church, of Rockford, Ill., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. GALLAGHER: Petition of foreign societies of Chicago, Ill., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of the Patriotic Order Sons of America, favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Resolution of the official board of Bethany United Evangelical Church, of Lancaster, Pa., favoring passage of House joint resolution 163, prohibiting sale, manufacturing for sale, and importation for sale of all beverages containing alcohol; to the Committee on the Judiciary.

By Mr. HANNA: Petition of the Patriotic Order Sons of America, favoring passage of the Dillingham bill for literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of John Dimvoochi, of Bottineau, N. Dak., favoring passage of House bill 16843, to increase the efficiency of the Army veterinary service; to the Committee on Military Affairs.

Also, petition of citizens of North Dakota, against passage of the Lever antifuture trading bill, relative to the marketing of grain; to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petitions of Pride of New Britain Lodge, No. 544, Independent Order B'rith Abraham, New Britain, Conn.; New Britain City Lodge, United States Grand Lodge Independent Order B'rith Abraham, New Britain, Conn.; and Dreifuss Lodge, No. 28, Independent Order B'rith Sholem, Hartford, Conn., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HILL: Petition of the Young Men's Hebrew Association of Bridgeport, Conn., and Bridgeport Lodge, No. 479, United States Grand Lodge, Order B'rith Abraham, Bridgeport, Conn., protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Betsy Ross Council, No. 19, Daughters of Liberty, of Bridgeport, Conn., favoring passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. HUGHES of New Jersey: Petition of Barnert Lodge, No. 158, United States Grand Lodge, Order B'rith Abraham, Paterson, N. J., protesting against passage of Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. JACOWAY: Petition of J. W. L. Smith and 70 other citizens of Faulkner and Pulaski Counties, Ark., favoring the passage of the old-age pension bill; to the Committee on Pensions.

By Mr. LA FOLLETTE: Resolutions of the Socialist Party of Spokane, Wash., against passage of Root amendment to immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Pend Oreille Grange, Newport, Wash., urging establishment of a postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Washington, favoring passage of House bill 22339—anti-Taylor system bill—against use of the stop watch in Government works; to the Committee on the Judiciary.

Also, petition of citizens of Havillah, Wash., against the indictment of the editors of the Appeal to Reason at Leavenworth, Kans.; to the Committee on the Judiciary.

Also, petition of citizens of the States of Washington and Idaho, favoring passage of a sensible parcel-post system, etc.; to the Committee on the Post Office and Post Roads.

Also, resolutions of citizens of Waitsburg, Clarkston, Cashmere, Prescott, and Newport, State of Washington, favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LANGLEY: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petitions of Wesley J. Knoggs, of Bay City, Mich.; William Riley and John Fraser, of Samsonville, in favor of House bill 1339 for increasing pension to Civil War veterans who have lost a limb; to the Committee on Invalid Pensions.

Also, petition of New York Milk Committee, New York, favoring the continuance of the commission on efficiency for the Federal Government; to the Committee on Appropriations.

By Mr. MAHER: Resolution of the Patriotic Order Sons of America, favoring passage of the Dillingham bill and other bills containing literacy test, etc., for immigrants; to the Committee on Immigration and Naturalization.

Also, memorial of the Polish National Alliance of Cleveland, Ohio, protesting against the Root amendment to the immigration bill relating to deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Brooklyn, N. Y., against passage of the Oldfield bill to amend present patent laws; to the Committee on Patents.

By Mr. MCKINNEY: Resolutions of citizens of Moline, Ill., against proposed changes in the patent laws; to the Committee on Patents.

By Mr. MATTHEWS: Petition of Independent Order B'nai B'rith, No. 609, protesting against passage of House bill 22527, containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. McHENRY: Resolution of Branch No. 1, Socialist Party, Shamokin, Pa., against the adoption of the Root amendment to the immigration bill, relative to the deportation of aliens, etc.; to the Committee on Immigration and Naturalization.

By Mr. McCALL: Petition of Henry W. Blair, president of the National Anti-Third Term League of Washington, D. C., praying for an amendment to the Constitution prohibiting a third term to any person as President; to the Committee on the Judiciary.

By Mr. McDERMOTT: Resolution of citizens of Chicago, Ill., favoring circular No. 601, prohibiting the use of insignia and garb of any denomination in the Indian public schools; to the Committee on Indian Affairs.

By Mr. RAKER: Petition of citizens of California, favoring congressional investigation of the prosecution of the editors of the Appeal to Reason; to the Committee on the Judiciary.

Also, petition of citizens of California, favoring passage of Berger old-age pension bill for deserving men and women over 65 years of age; to the Committee on Pensions.

By Mr. REILLY: Petition of citizens of Meriden, Conn., favoring passage of House bill 22766 for prohibiting the use of trading coupons; to the Committee on Ways and Means.

Also, petitions of Tiphereth Zion Lodge, No. 199, Independent Order B'rith Abraham, of Ansonia, Conn.; New Haven Lodge, No. 131, Independent Order B'rith Abraham, of New Haven,



Conn.; and Knights of Israel, of New Haven, Conn., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Order Sons of America, favoring passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the New York Milk Committee, New York, N. Y., favoring continuance of the commission on efficiency of the Federal Government; to the Committee on Appropriations.

Also, petitions of Local No. 52, of the Lithuanian Socialist Federation of America, New York, N. Y., and Romener Lodge, No. 75, United States Grand Lodge, Order B'rith Abraham, New York, N. Y., protesting against passage of the Dillingham bill (S. 3175) containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the New York Milk Committee, New York, N. Y., favoring the continuance of the commission on efficiency for the Federal Government; to the Committee on Appropriations.

Also, petitions of Kings County Lodge, No. 45, and Dr. Theodore Herzel Lodge, No. 107, Independent Order Ahawaz Israel, Brooklyn, N. Y., protesting against passage of House bill 22527 containing literacy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of 16,000 trainmen of Pennsylvania, favoring passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of William Schaad and 245 other citizens of New York, N. Y., favoring passage of the old-age pension bill; to the Committee on Pensions.

## SENATE.

THURSDAY, May 16, 1912.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.  
The Journal of yesterday's proceedings was read and approved.

SAVINGS-BANK STATIONS (S. DOC. NO. 671).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 30th ultimo, a statement showing the number of savings-bank stations established, the amount of deposits received therein, the amount of withdrawals, the disposition of money received and where it is at present held, etc., which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Sixth Christian Church, the Church of the Holy Comforter, the Centenary Methodist Episcopal Church, the Brotherhood of the Centenary Methodist Episcopal Church, the Home Missionary Society of the Centenary Methodist Episcopal Church, the Sunday School of St. Andrew's Methodist Episcopal Church, the Bible School of the St. Andrew's Methodist Episcopal Church, the St. Andrew's Methodist Episcopal Church, Northminster Presbyterian Church, Northminster Presbyterian Bible School, Northminster Presbyterian Woman's Missionary Society, and the Emmanuel Presbyterian Church, all of Philadelphia, and of the Presbyterian Christian Endeavor Society of West Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Atlantic Coast Seamen's Union, remonstrating against the adoption of the so-called illiteracy test amendment to the immigration law, which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Southern Illinois Millers' Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

He also presented a memorial of the Commercial Association of Elburn, Ill., and the memorial of George A. Scherer, of Peoria, Ill., remonstrating against the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Centennial Church, the State Street Baptist Church, the Epworth Methodist Episcopal Church, and the Court Street Methodist Church, all of Rockford, in the State of Illinois, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

He also presented a petition of members of the Association for the Prevention of Tuberculosis, of Peoria, Ill., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. HITCHCOCK presented petitions of sundry citizens of Lincoln and Omaha, in the State of Nebraska, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which were referred to the Committee on Education and Labor.

Mr. ASHURST. I present a telegram in the nature of a petition favoring the Owen medical bill. The telegram is short, and I ask that it lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed is the RECORD, as follows:

PRESCOTT, ARIZ., May 15, 1912.

Hon. H. F. ASHURST,  
United States Senator, Washington, D. C.:

The Yavapai County Medical Society heartily indorse the Owen bill and urge you to use every honorable means to secure its passage.

C. E. YOUNGT, Secretary.

Mr. BRANDEGEE presented resolutions adopted by members of the First New London Troop, Boy Scouts of America, of New London, Conn., favoring the enactment of legislation to protect the migratory wild fowl, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Connecticut, praying that an appropriation be made for the purchase of a new site for a post office in New York City, N. Y., which was referred to the Committee on Public Buildings and Grounds.

Mr. WETMORE presented petitions of members of the board of health, and of the Humane Research Club, of Newport, R. I., praying for the enactment of legislation to regulate the interstate transportation of immature calves, which were referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of members of the District Medical Society, of Worcester, Mass., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. O'GORMAN presented a petition of sundry citizens of New York, N. Y., praying for the enactment of legislation providing for the construction of one of the proposed new battle-ships in the Brooklyn Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry members of the congregation of Grace Church, Brooklyn Heights, N. Y., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented resolutions adopted by the directors of the Clothiers' Association of New York, N. Y., favoring the enactment of legislation providing for the removal of the present post office and Federal courts building in that city, and for the restoration of the site to the city, which were referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. BROWN presented resolutions adopted by the Nebraska Association of Commercial Clubs, in convention at Hastings, Nebr., favoring the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. OLIVER presented a memorial of the Beaver Valley Business Men's Association, of Beaver Falls, Pa., remonstrating against the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Erie, Pa., praying for the enactment of legislation to prohibit the use of trading coupons, which was referred to the Committee on Manufactures.

He also presented a memorial of the Chamber of Commerce of York, Pa., remonstrating against the enactment of legislation providing for the coinage of 3-cent pieces, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the McKean County Medical Society, the Fayette County Medical Society, the Luzerne County Medical Society, the Huntingdon County Medical Society, the Lawrence County Medical Society, the Armstrong County Medical Society, the Allegheny County Medical Society, and the Erie County Medical Society; of the Ohio Valley Academy of Medicine, of Bellevue; of the Academy of Medicine of Latrobe; and of Wendell Reber, of Philadelphia, all in the